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DEMOCRACY AND DIPLOMACY

By the same Author

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DEMOCRACY AND DIPLOMACY

A PLEA FOR POPULAR CONTROL
OF FOREIGN POLICY

BY

ARTHUR PONSONBY, M.P.

METHUEN & CO. LTD.
36 ESSEX STREET W.C.
LONDON

DEDICATED
TO
THE UNION OF DEMOCRATIC CONTROL

PREFACE

FOR some years past I have been specially struck by the divergent methods adopted in the management of home affairs and in the management of foreign affairs. I have been convinced that in the national interests, as well as in the interests of peace, the democratic principle should be adopted in both. I have delivered addresses and written pamphlets on the subject, and, in times when foreign questions have occupied public attention to an unusual degree, I have received encouragement and support for the views I hold. Unfortunately, during the intervening periods of calm, when social and internal problems monopolize the political arena, people are apt to forget altogether the importance of our international relations. They receive no information, they have no incentive to study the subject, and they are content to remain ignorant until an alarm or scare occurs to remind them of the supreme importance of this branch of public affairs.

The great crisis in which we now find ourselves will have the effect of making foreign affairs the centre of national interest for many years to come—long enough, I trust, for the people to insist on altering a system which has broken down and proved itself an absolute failure.

This book is only a preliminary study of the question of democratic control, which, I am glad to say, is now being eagerly discussed in all parts of the country. I sincerely hope the publication of this volume may lead men in authority, who can exercise far more influence than I can, to give this problem the serious consideration to which it is entitled.

I desire to acknowledge with gratitude the assistance given to me by Mr. J. A. Hobson, who read through the manuscript and made several valuable suggestions, and I am also indebted to Mr. Seymour Cocks for his help in correcting the proofs. I have received the sanction of the Controller of His Majesty's Stationery Office for reprinting the extracts from the official papers which appear in the Appendixes.

A. P.

SHULBREDE PRIORY

SUSSEX

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DEMOCRACY AND DIPLOMACY

DEMOCRACY AND DIPLOMACY

CHAPTER I

THE PROBLEM

THREE can be no doubt that public attention must be specially occupied for some time to come with various problems connected with our foreign relations. However reluctant people may be to face questions of world-wide significance and almost baffling complexity, they will have no choice ; for the overwhelming disaster of a war unprecedented in its magnitude and unequalled in its ferocity must shake the very foundations of international society, shatter long-cherished ideals, root up favourite theories, and destroy former conceptions of policy and statecraft. Such a terrific wrench to human affairs, when its actual violence ceases, will not leave us where it found us. Crippled and stunned, the nations cannot relapse again into their former positions or drift back into the old order. An opportunity such as the world has never witnessed will arise for a great reconstruction of the very basis of international relationships and for the creation of a new spirit in international policy. Just as the destructive calamity seems inhuman, so the task of reconstruction will seem almost super-human. Undaunted and undismayed, the nations must

rise to the occasion and make the supreme effort—the victors in a spirit of magnanimity and generosity, the vanquished without resentment or rancour, both of them assisted by the calm and moderating influence of neutral Powers. In this spirit alone can they achieve success.

But there are two great essentials in the stupendous work before us. Firstly, it allows of no delay. It must be initiated and inaugurated by generations now living—generations that have known war, known *this* war, experienced to the full its devastating effects, witnessed its death and destruction, known the waste and loss and realized the extent of its poison of hatred and vengeance in the minds of many of those who have been watching events from a safe distance. They will understand that a mere readjustment of frontier lines and the casual regrouping of allied nations, however skilfully arranged, is not a result worth purchasing at such a heavy price. They, as living witnesses, will be spurred on by their bitter experience to insist that the steps in advance must be so assured as to be commensurate with, or, if possible, as to exceed in extent, the retrograde plunge into barbarism. The unfortunate step back, in fact, must be converted into the preliminary for a bold stride forward. If reconstruction is left to succeeding generations who have not known this war, but only read of its causes and effects argued out in the cold print of the pages of histories, they will feel no strong impulse towards determined action, but will be as ready as we have been to accept things as they are, timidly fearful of any bold insistence on change and easily led into future dangers. Wars to them will be mere historical episodes, and it cannot be expected that they will feel as we do. Our poignant and vivid realization of catastrophe must urge us forward. We shall be met by the soothing

phrases of lazy minds. We shall be told "things will settle down of themselves." They will, and that is precisely what we want to avoid. We want the great moral and spiritual forces to exert themselves, even as the physical forces exert themselves in war itself. We want to see a little more moral heroism, moral persistence, moral endurance, entrenched against the forces of reaction, fatalism, and ignorance, in order that things may not "settle down of themselves," but may be moulded on lines broad enough and deep enough to satisfy the outraged conscience of mankind.

Therefore there must be no delay but early and careful preparation, begun and continued even before the clamour of battle has passed away.

The second essential is, that in order that the ground-work of our attempted solution of the vast problems may have some sort of solidity, that the new order, in fact, may be based on a firmer and more lasting foundation, something more than the voice of statesmen must be heard, something more than the sanction of monarchs must be forthcoming, something more effective than the intercourse of diplomatists must be utilized.

The peoples of the world must come in and help.

Can they help? Should they be allowed to help? How can they help?

These are the questions I intend to discuss. It may seem a minor point compared with the actual problems of European reconstruction and of world policy with which the nations must soon be confronted. But it is a preliminary consideration of such importance that all hope of grappling effectively with the far-reaching international issues depends largely on how these questions are answered.

Diplomacy has failed. This is an outstanding fact about which there can be no manner of dispute. The

statesmen of Europe did not succeed in saving the nations from a portentous calamity. Diplomacy, it is true, has failed before. But the blame that falls on statesmen for failure must increase as civilization advances. A failure at the beginning of the twentieth century is a far more serious matter than a failure at the beginning of the nineteenth century. Owing to the enormously increased facilities of communication and transit, and owing to the fact that the ties and interests of nations are largely interdependent and closely knit together, a war no longer means a combat between two countries but a widespread conflict involving a whole continent, and indirectly the whole world. Moreover, a hundred years ago democracy was practically unknown, while to-day in many nations it has developed so far that the people's sanction is an indisputable and indispensable element of national government. And yet, when the vital issues on which peace and war depend are in the balance, no sort of attempt is made by statesmen and Governments, until the die has actually been cast, to ascertain the opinion or to enlist the assistance of the great mass on whose ceaseless labour and effort the country's welfare depends in time of peace, and on whose ready sacrifice of life and treasure the country's safety depends in time of war.

The moment has now come when, apart from all questions of foreign policy, public attention must be directed towards a careful examination of the manner in which foreign affairs are conducted, foreign intercourse is carried on, and foreign relations are controlled. There must be some fault in the machinery—some defect in the brakes or the steering-gear—which causes the precipitate rush of nations into a deadly strife they all detest and which forces them to abandon in hot haste the growing hopes of international harmony, and the

laborious endeavours of years to improve and fortify the social conditions of their own peoples.

If we adopt the attitude that some supernatural agency is at work, and has made provision in the life of man for periodic cataclysms, which must therefore be accepted as being in the nature of things, or if we believe that the combative instinct in man is so strong that no human power and no readjustment of methods can ever check it, then clearly we need take no thought of the morrow and must resign ourselves to the inevitable. But such cowardly fatalism is surely degrading to the intellect and moral consciousness of man, who is not governed by the law of the jungle.

Moreover, the disproportion between the causes of war and the possible outcome of war on the one side, and the appalling sacrifice entailed on the other side, has become very much more marked and alarming. Man, as the centuries pass, becomes more social and less quarrelsome, he believes less and less in the achievement of any steps in the direction of progress and civilization by means of force, and yet at the same time weapons and machines of destruction have become more and more deadly. They are mastering him against his will, and with one hand he is destroying what he constructs with the other. The work of construction is long and arduous, but it can be destroyed in a day. This very conflict between two impulses points, not to the existence of some irremediable evil passion, but to some fault in the direction of his energies, to a want of proper guidance, and most of all to his inability to control the forces which drive him against his will in the wrong direction.

As matters stand, when we use such phrases as "Russia says," "Germany declares," or "France thinks," what we mean is that a certain individual, after talking

things over with a few of his colleagues, and perhaps with the sovereign, expresses certain views on behalf of his country. Those views may or may not be in accord with the opinion of the Russian, German, and French people. One nation may have no machinery for ascertaining the people's views on any subject; another, as in our case, may have machinery but does not utilize it in connection with foreign questions.

The problem, in fact, presents itself in different aspects in different countries, and varies in each case according to the existing form of government. Although the importance of the principle is the same all the world over, and the acceptance of it by all countries is the ideal to be worked for, the method by which the principle must be asserted is one which each country must settle for itself. It would be natural for us, as, on the whole, the most democratically governed country, to initiate a great reform in procedure with regard to foreign affairs in the same way as we initiated parliamentary government and representative institutions. Anyhow it is our own case on which our attention must be concentrated.

So far, then, as this country is concerned, the people have no voice in controlling foreign policy, and their parliamentary representatives, who are given very little information, can only exercise indirect control by threatening a vote of want of confidence in the Government of the day. The foreign policy of the Government regulates our international relations; and diplomacy is the instrument used by the Foreign Secretary to conduct negotiations for the adjustment of differences and the settlement of disputes. Is it desirable that the people should be entirely excluded from any sort of participation in this branch of government? What would be the effect of their influence

were they able to exercise it? In what way can they be informed? And by what method can they control the at present unlimited power of the Foreign Secretary? These questions must be answered *seriatim* in the chapters which follow.

The maintenance of peace is the avowed object of every civilized man and woman, and is the sincere object of the very great majority of responsible citizens in every country. Those who, while paying lip service to the blessings of peace, desire in their hearts the advent of war, should not be allowed to frustrate the best endeavours of right-thinking men. Their machinations, however powerfully supported, should be rendered innocuous and their intrigues should be suppressed.

The aim of diplomacy also is the maintenance of peace. If it fails, there is better reason for believing that its failure is due to a faulty method and an outworn tradition than there is for attributing its breakdown to uncontrollable forces imbued with irrepressibly hostile intentions. If that is so, a means must be found to correct the method and steps should be taken to abandon the tradition. When a small number of statesmen, conducting the intercourse of nations in secrecy, have to confess their inability to preserve good relations, it is not an extravagant proposal to suggest that their isolated action should be supplemented and reinforced by the intelligent and well-informed assistance of the peoples themselves.

It is no part of the argument to pretend that the peoples' opinion would always be pacific and right, and that they would never support a policy that was misconceived and even mischievous. If they are wrong, they will then suffer for their own folly and pay for their own mistakes, instead of, as now,

sacrificing themselves for the faults and errors of the few men who have neglected to confide in them.

The nature of their influence, if they are amply informed, which they never yet have been, must be fully considered, but the initial principle on which the present argument is founded is the acceptance of the idea that the spokesman of a nation in his intercourse with foreign Powers should, so far as practicable, act with the fullest possible democratic sanction behind him. It is not so much a question of distrusting the Executive nor even of impairing its responsibility; it is a matter of strengthening and assisting it. Some people pretend that all the necessary machinery is there if democracy chose to use it. But while it is true that opportunities are missed and occasions let slip, I hope to show that it cannot be fairly maintained that anything like adequate facilities exist either to criticize foreign policy or to discuss questions of international import.

As a general consideration it must be borne in mind that if any differentiation could be made with regard to the relative importance of the various branches of public business, foreign policy, concerning as it does the immediate and vital interests of every man, woman, and child in the kingdom, as well as of the country as a whole, far outweighs social, commercial, colonial or any other public affairs that can be conceived. For sound and peaceable relations between nations are the indispensable condition for all international progress.

The people understand now, what they have failed to appreciate sufficiently before, namely, that a crisis in foreign affairs may lead to war, and that war immediately affects their work, their wages, their food, and their very existence, as well as the industrial and economic life of the whole country; that all social betterment must be indefinitely postponed, and that the nation's recovery

from the shock must be a slow and laborious process extending over years. That is why those who believe in democratic government should make it their first duty to examine far more closely than they have done hitherto any practical proposals for the extension of principles of popular representative government to a region that is still dominated by a spirit which is alien, if not positively inimical, to the spirit of modern democracy.

CHAPTER II

SOME OPINIONS

THE secrecy of Governments and the ignorance of the governed have produced serious crises in the past, and were among the main contributory elements in the great disaster which befell the nations of Europe in 1914. The danger to the world's peace arising from the fact that the people have neither knowledge nor control in foreign policy is not a product of the imagination on the part of a few Radical pacifists, but the admitted opinion of many statesmen and journals widely divergent in their political views, as the following series of quotations will show.

John Bright, at Glasgow, in December 1858:—

"When you come to our foreign policy, you are no longer Englishmen, you are no longer free; you are recommended not to inquire. If you do you are told you cannot understand it; you are snubbed, you are hustled aside. We are told that the matter is too deep for common understandings like ours—that there is a great mystery about it. We have what is called diplomacy. We have a great many lords engaged in what they call diplomacy. We have a lord in Paris, we have another in Madrid, another in Berlin, another in Vienna, and another lord in Constantinople; we have another at Washington—in fact, almost all over the world, particularly where

the society is most pleasant and the climate most agreeable, there is almost certain to be an English nobleman to represent the English Foreign Office, but you never know what he is doing. And out of all this comes the supposed necessity for armaments twice as large as were necessary twenty-five years ago; and yet you have no control over and know nothing of the matter."

Walter Bagehot in his introduction to the second edition of "The English Constitution" (1872) :—

"We should have a manlier and plainer way of dealing with foreign policy if Ministers were obliged to explain clearly their foreign contracts before they were valid, just as they have to explain their domestic proposals before they can become law. . . ."

"I am disposed to deny entirely that there can be any treaty for which adequate reasons cannot be given to the English people, which the English people ought to make. A great deal of the reticence of diplomacy had, I think history shows, much better be spoken out."

Viscount Bryce, in "The American Commonwealth" (1890) :—

"The day may come when in England the question of limiting the at present all but unlimited discretion of the Executive in foreign affairs will have to be dealt with; and the example of the American Senate will then deserve and receive careful study."

Professor H. Sidgwick, in "The Elements of Politics" (1891) :—

"It is not easy to establish a satisfactory distribution of functions between the two organs in relation to foreign affairs. There is usually little room here for the exercise of legislative functions in the way of laying down general rules, and, as we have seen, the direct intervention of a numerous representative assembly in

the management of particular questions in this department is not likely to be advantageous. At the same time, there are certain decisions of fundamental importance to which the consent of the supreme legislative and money-granting organ seems indispensable. Thus the control of the organ over finance would be seriously impaired if treaties of commerce regulating the taxation of imports from certain countries could be made without its consent. War, again, from the additional expenditure it entails, must require the active co-operation of the money-granting organ ; and again, it seems right that the consent of the Legislature should be necessary to the validity of any change in the territory for which it has the constitutional duty of making laws. Perhaps the best arrangement would be that the consent of the Legislature should be required, as a general rule, for making war, or ceding or annexing territory, or making treaties that pledge the State to any such measures, or that otherwise affect, materially, the financial liabilities or resources of the State, while at the same time certain acts falling under this rule should be allowed to be validly performed by the Executive without such consent if in the opinion of the latter the delay and public discussion that the ordinary procedure would involve would be injurious to the public interest. It should be further provided that whenever the Executive found it necessary to act thus on its own responsibility, its action and the grounds for it should be communicated as soon as possible to the Legislature for its approval. This would, however, still leave it possible for the Executive to make binding engagements which might be kept secret for an indefinite time. If this seemed to be too great a power to leave to the Executive, the need of occasional secrecy might be partly met by appointing a small Foreign Affairs Committee of the

Legislature, who might have the constitutional right of being informed at once of all engagements made by the Executive with foreigners, and whose approval should be necessary to the validity of the secret agreements."

Lord Courtney of Penwith, in "The Working Constitution of the United Kingdom and its Outgrowth" (1901):—

"It seems contrary to the fundamental principles of a parliamentary Constitution that a nation should be bound by obligations upon the policy or impolicy of which its representatives have had no power of pronouncing an opinion since they have been kept in absolute ignorance of their existence."

Lord Rosebery, at Glasgow, January 13, 1912:—

"Armaments must depend upon your policy, and it is extremely difficult for us who know nothing about foreign policy but what we see in the newspapers to form any accurate judgment as to what that foreign policy may be. Do not think that in saying this I am disparaging the knowledge of foreign policy which is derived from newspapers. I am only saying this, which must be familiar to all who have any knowledge of the subject, that what is seen on the stage of foreign policy is but a small part of the whole. By far the greater portion is what takes place behind the scenes, and as we ordinary mortals are not admitted behind the scenes, not even to the door of the green room, our knowledge of foreign policy must be based mainly on speculation. . . . I am not pretending to know any more than you or any other readers of the newspapers know, but this at any rate all readers of newspapers must know, that we have certain liabilities, connections, *ententes*—I would rather they were definite alliances, because after all alliances limit and define—we have certain vague obligations, the nature of which I do not

profess to know, but in regard to which, at any rate, any one can predicate that they involve an immediate liability to a gigantic war in certain circumstances which are by no means unlikely to occur. . . . I do not know if any Glasgow merchant here would care particularly to do what we do in foreign affairs—that is, to engage in vast and unknown liabilities and affix his signature to them without knowing their nature and extent."

Mr. Austen Chamberlain, at Birmingham, February 8, 1914:—

"I sometimes ask myself whether in the future it will not be necessary, and, indeed, if it would not be a good thing, that the Foreign Secretary should take the House of Commons in the first instance, and his countrymen at large in the second, much more into his confidence than he has done in the past. We have passed in recent years through European crises the full gravity of which was not realized by our people, if realized at all, until after they had passed into history. I ask myself, Can you conduct democratic government on these principles? Can you rely that the whole of the people will rise to the height of a great emergency when you call upon them if there has been no previous preparation of their minds, if they themselves have been unable to follow the step by which you have been driven to the conclusion at which you ultimately arrive? And I wonder whether the time is not coming, whether, indeed, it has not come, when the House of Commons ought to have at least once every year such a reasoned review of our position in relation to world affairs as is accorded by the Foreign Minister of every other great State to the Parliament to which he is not more but less responsible than British Ministers are to theirs."

And again in a speech on October 22, 1914:—

"I do not know why it is, but in this, the most democratic of countries, our people have been told less of foreign politics—of the relations of one State to another and of our relations to them all—than has been the custom in all great continental nations, even in those in which Parliaments and the mass of the voters do not have, as they have here, complete control of the policy of the country. It has been a tradition not affecting one party only. What I am speaking of is not the peculiar property of this Government or of that Government, but it has been a tradition, handed down from older days when less depended upon the voice of the people, and, as I think, not suited to the circumstances of to-day."

The Bishop of Oxford, in his address, "The War and the Church" (1914) :—

"The mass of the workers who suffer most from wars, though the spirit of nationalism may enter into them also and fill them for a time with enthusiasm for a war, yet on the whole will always be on the side of peace ; so that the more really democratic our Governments become, and the more the interests of labour become international the greater will be the security for peace. I am one of those who believe this and desire to serve towards the realizing of this end."

Mr. G. Lowes Dickenson, in "The War and the Way Out" (1914) :—

"Wars are made by Governments, acting under the influence of the governmental theory. And of this fact—for a fact it is among civilized Western peoples in modern times—no better example could be given than the present war. Before it broke out nobody outside governmental and journalistic circles was expecting it. Nobody desired it. And though, now that it is being waged, all the nations concerned are passionately

interested in it, and all believe themselves to be fighting in a righteous cause, yet no ordinary citizen in the days preceding its outbreak would have maintained that there was any good reason for war, and few even knew what the reasons alleged were or might be. Even now the different nations have quite opposite views as to which Government was responsible. We believe it was the German Government; and with equal conviction Germans believe it was the British. But nobody believes it was the mass of the people in any nation. The nations who are carrying on the war, at the cost of incalculable suffering, would never have made it if the decision had rested with them. That is the one indisputable fact. How can such a fact occur? How is it possible for Governments to drag into war peoples who did not desire war and who have no quarrel with one another?

"The immediate answer is simple enough. In no country is there any effective control by the people over foreign policy. That is clear in the case of the great military Empires. But it is true also of France and of England, when in other respects Government is more or less under popular control. The country has no real choice, for it only gets its information after the decisive action has been taken. That is an important truth which ought to lead to important changes in our method of conducting foreign affairs."

Mr. Arnold Bennett, in "The Daily News," January 14, 1915:—

"If the high traffic of this country with other countries is conducted in secret, it is because we are content to remain in ignorance. If it is conducted for other ends and ideals than democratic ends and ideals, it is because we have not yet realized that the happiness of our country depends on the happiness of all countries, that

isolation is done with, and that an altercation between an Ambassador and a Foreign Secretary about a convention may be just as important to our daily welfare as an altercation between the Government and the Opposition about an Insurance or an Education Bill.

"We must intelligently follow events. We must read. We must demand textbooks and expository articles, and, above all, we must insist upon the lucid teaching of modern history in our secondary schools and evening centres. The caste that, in spite of our constitution, rules us as much as it dares will be quick to comprehend that a change has occurred or is occurring, and the day of secrecy in the Chancelleries will expire. At present we get the treatment we deserve—that is to say, the treatment accorded to children. . . .

"Could the thorough democratic control of British foreign policy have avoided the war? Who can say? It is doubtful. Is there any use in one nation securing democratic control of foreign policy unless all the great nations secure such control? Emphatically yes. The folly of war, which is an inconvenience to the ruling class but a martyrdom for the people, is gradually being perceived. War is doomed. And it is the duty of each democracy, not waiting for the others, to advance the doom by educating itself, and then asserting itself, internationally."

From "The Times," November 23, 1912:—

"Who, then, makes war? The answer is to be found in the Chancelleries of Europe among the men who have too long played with human lives as pawns in a game of chess, who have become so enmeshed in formulæ and the jargon of diplomacy that they have ceased to be conscious of the poignant realities with which they trifle. And thus war will continue to be made until the great masses who are the sport of professional schemers

and dreamers say the word which shall bring, not eternal peace, for that is impossible, but a determination that war shall be fought only in a just and righteous and vital cause.”¹

From “The Manchester Guardian,” December 3, 1912:—

“The first necessity, then, of popular control is that the agents of our foreign policy should be in closer touch with the movements of popular thought. Too much blame is laid on the newspapers for the part they play in provoking international misunderstandings, for no one is more ready to use them for its own purposes than the Foreign Office itself and its agents abroad, and if half-truths often do mischief, the fault is with the methods of diplomacy for concealing the rest. For complete secrecy there may be something to be said; for perfect frankness there is very much to be said. But the present plan of opening the bag of secrets for a few minutes to a few favoured persons has the disadvantages of both methods and the advantages of neither. The amount of secrecy in foreign affairs should be as much as, and no more than, is required in home affairs. There is no difference in principle between the two departments.

“The continuous control of foreign policy, and of legislation, can only be exercised by the House of Commons, and by the whole House, not by a Committee.”

From “The Standard,” August 1, 1914:—

“Those who rule States, and especially those who rule semi-autocratic States, suffer from an excess of imagination in one direction and a fatal lack of imagination in another. Their brains teem with sinister visions, and by habitually viewing phenomena with suspicious eyes they often contrive to bring about the very ills it is their

¹ See also *The Times* of April 19, 1915.

business to avoid. If every Government in Europe had attended to its immediate business, instead of weaving fatalist theories as to the future, we should not now be discussing the possibility of a great crime against civilization. In a word, wars on the vast scale are brought about, not by the natural antagonisms of peoples but by a legend of ill-will and incompatible interest largely manufactured by statesmen through their incorrigible habit of suspicion. On the other hand, the imaginations of rulers never seem able to grasp the real feelings of those whom they rule. They take the voice of the boulevard loafers, of the miscellaneous wastrels of great cities, and the irresponsible theorists who cry for war, for the voice of the people. It is assuredly a great mistake, and a mistake which in the present lamentable conjuncture may lead to perfectly ruinous results."

And again, August 3, 1914:—

"We do not know what sort of children our grandchildren will be, but if they are at all like ourselves they will recall with astonishment how Europe went to war in 1914 without passion, or hatred, or malice—how between two and three hundred millions of people set out to slaughter each other in a fatalistic way merely because the diplomatists had arranged things so. . . . Elsewhere there has reigned a mood new in the history of war. No people has felt the lust of blood or the rage of hatred. Each has been able to appreciate the other's point of view. Each has even had understanding and sympathy for its enemy's dilemma as well as its own. The awful business of bloodshed and ruin has been brought about with as little human feeling as is shown in the working out of a mathematical problem. The question is to find the ultimate value of x , y , and z , and the way to do so is to cancel on each side so many

hundreds of thousands of lives and so many millions of property. Nothing quite so frigid has ever been seen in the world before. Even Frederick the Great was not so cynical. He at least wanted Silesia, and had a 'desire for fame.' The Powers of Europe are at each other's throats in obedience to a barren diplomatic formula."

From the Introduction to "The War and Democracy," a collection of papers addressed to the Workers' Educational Association (1914):—

"Under our democratic Constitution the people of Great Britain have assumed the responsibility for the management of their own affairs. One great department of those affairs, the most vital of all, they and their representatives have systematically neglected. Deeply engaged and interested in domestic problems, they have left the control of foreign relations in the hands of expert advisers. And so it was with something like stupefaction that they discovered, one day in August, that they were called upon to honour the obligations contracted in their name.

"There has been no desire to evade those obligations. But there has been a very real desire to understand them, and also a fixed determination never again to allow such a lack of contact, on vital issues, between the mind of the people and the activities of their Ministers."

From "The Morrow of the War," first pamphlet issued by the Union of Democratic Control (1914):—

"It cannot be too often insisted upon that the domestic concerns of the nation, its constitutional liberties, its social reforms, all its internal activities in short, depend upon the preservation of peaceful relations with its neighbours. War in which this country is involved is certain to prove a serious check to social

progress. Hence it is a matter of absolutely vital concern to the nation that the machinery of its Foreign Office should be thoroughly capable of performing its functions, and that the policy pursued by that Department should be pursued with the knowledge and the consent of the nation. It is imperative, not only that a treaty with a foreign Power should require endorsement by Parliament, but that no agreement or understanding possessing binding force and postulating the use of the national military and naval forces should be valid without the assent of Parliament. The nation should insist upon this essential reform, and should seriously apply itself to considering what other steps are needed to ensure some mechanical means whereby a greater national control of foreign policy can be secured: whether by the establishment of a permanent Committee of the House of Commons, by the adaptation to suit our needs of the American system under which a two-thirds majority of one branch of the Legislature is required for the validity of international agreements, or other procedure. But real and permanent reforms will not be obtained unless the nation is determined to assert its fundamental right to participate in the formation of its own foreign policy."

This remarkable collection of opinions serves to show that a great defect in the present constitutional practice with regard to the management of foreign affairs has already been fully recognized by men who can speak with knowledge and authority, as well as by some of our leading journals. And although proposals for a larger measure of control through parliament have not yet received careful examination they are not the sudden invention of political idealists.

CHAPTER III

DESIRABILITY OF DEMOCRATIC CONTROL

THE question of the desirability of the democratic control of foreign policy comes before the question of its practicability.

It will be as well at the outset to deal with the arguments of two classes of objectors to the principle advocated in these pages. The first frankly distrust democracy ; the second, while prepared to consult the people on all domestic matters, do not consider it desirable to consult them on foreign affairs.

Distrust of the people still exists, though it is very seldom openly expressed. Our recent parliamentary history consists, for the most part, of a struggle between the advocates of aristocratic government and the advocates of popular government. Both now accept representative government based on a broad franchise ; but the former believe that this is a sufficient advance in the democratic direction, and that so far as possible the executive and administrative power should be kept in the hands of a selected few, belonging for the most part to the class which by past tradition has been associated with the business of government. These advocates of aristocratic government have fought every inch of the ground since the first Reform Bill, but they have steadily been made to retreat step by step. With

the spread of education and the organization of Labour they have been unable to withstand the claim of the people to an effective voice in the management and control of the affairs of the nation. In the teeth of the bitterest opposition each stage in the advance of democracy has been won; the extensions of the franchise, the establishment of local government, popular education, the satisfaction of certain legitimate demands of organized Labour, the gradual admission, first of the middle classes and then of the working classes into the House of Commons, and finally the supremacy of the people's House over the aristocratic House, have been the chief landmarks in a century of parliamentary combat. The arguments the protagonists of aristocracy now bring forward against popular control in foreign affairs are precisely the arguments brought forward against popular control in home affairs. But the House of Commons has emerged triumphant in its struggle to wrest from a single class the exclusive power to manage the domestic concerns of the nation, and it has not only proved its capacity but its special ability. To argue the case out with this class of objector would involve far too large an extension of the field of dispute, as it would mean restating the whole case for democracy, which, in consideration of the opinion of a very large majority of the people in this country, would be great waste of time.

Confidence in democracy is not based on a belief in sheer numbers, but on the undoubted wisdom of not deliberately excluding any considerable section of the adult population from participation in the business of government.

The second class of objectors have a far subtler and more plausible argument, which must be very carefully examined. They contend primarily, apart from the

practical difficulties which will be dealt with in a subsequent chapter, that, the main object being the preservation of peace, this object would be more frequently and more fatally endangered if the people had full knowledge of foreign affairs and were in a position to make their will prevail. The mind of the masses, they believe, is very susceptible, and more easily provoked into a bellicose attitude than is the mind of a small group of Ministers. They hold that at all times there are two sets of opinions pulling in opposite directions—the aggressive and the pacific. The publication of news or full knowledge of events would more often help the former than the latter: even with fuller knowledge the masses would be unable to appreciate the subtleties of diplomacy and would be more likely than are statesmen to have a wrong sense of proportion in their estimate of particular incidents; therefore, they argue, it is better to trust the Executive, and to retain only for the House of Commons the right to express their disapproval by passing a vote of want of confidence in the Government of the day—that is to say, turning the Government out after the mischief has been done.

Those who argue thus, while professing confidence in the people's judgment on other subjects, still share the general opinion, which is based on enforced ignorance, that foreign affairs are an occult and obscure science, the comprehension of which necessitates initiation into subtle mysteries of diplomacy which cannot be appreciated by the ordinary mind. They believe, in fact, precisely what diplomatists, officials, and Governments want them to believe—that this branch of public affairs should be kept in the hands of a few selected people. It rather reminds one of the awe inspired by the mediæval Church. No one dared to dispute the supreme

authority of the priesthood or ventured to penetrate the veil of mystery which surrounded the initiated.

The main object certainly is the preservation of peace, but it is not the only object. It is also important when war comes that the nation should be fully aware of the causes which led to the rupture of relations, and should be perfectly satisfied that the policy previously pursued was in all its bearings judicious and, from an international as well as a national point of view, wise and just. If the only change were to be the occasional revelation of startling incidents, or unfortunate communications made in the course of critical negotiations, no doubt public opinion would be inflamed and would be difficult to restrain. It could quite easily be proved that had one isolated event or expression of a Foreign Minister been revealed to the public during the *pour-parlers* which have preceded previous wars, or crises at a time when strained relations existed between this country and a foreign Power, the people, so far from exercising a moderating effect, would undoubtedly have precipitated the rupture of relations.

But it cannot be too emphatically stated that it is not the disclosure of any detail or series of details in correspondence or negotiations of the moment that is either asked for or desired.

The expression "open diplomacy" in contradistinction to secret diplomacy is very misleading, as it seems to imply the carrying on of negotiations through the public press, or anyhow the immediate publication of every representation made by the Government to any foreign Government. This is not only out of the question and impracticable but would be disastrous. For instance, it is argued that it would have made little or no difference if the negotiations published in the White Paper of August 1914 had been conducted openly and publicly.

It might probably have had anything but a pacific effect on public opinion. To give the people suddenly an insight into a quarrel that is raging without allowing them any previous knowledge of the general trend of policy and the extent of our international commitments would be foolish in the highest degree. They cannot and they do not want thus to interfere in the work of administration.

The opponents of any sort of democratic control over foreign affairs make a *reductio ad absurdum* of this argument in order to prove their case. For instance, *The Spectator* (February 10, 1912) pretended that the demand was that "the Foreign Secretary should make frequent statements of the steps he is taking in the negotiations with foreign countries," and argued that "once it became known that the English Foreign Secretary was in the habit of submitting to Parliament or to the newspaper each successive step of his dealings with other Powers the mischief of such action would be at an end because no Power could remain to be negotiated with." It is only by such a grotesque perversion of the argument that any case whatever can be made out against it.

It is fully admitted that the Executive must have exclusive control over the actual conduct of negotiations. Those who desire reform have been accused of demanding that the Foreign Secretary should place his cards on the table—thereby exposing his hand and spoiling his game. But this never has been the demand. What is asked is that we should be fully informed as to what game he is playing, since the stakes he is playing with are the nation's honour and the people's lives. We are quite prepared to trust his judgment in the selection of his cards. But, if we are ignorant of the nature and the object of the game, we are entirely at his mercy, we cannot alter the course he is taking because we do not

know what it is, and we cannot tell whether his failure, if and when he fails, is due to the strength of his opponent's hand or to his own want of skill.

The very use of the metaphor of a game (first brought forward by the opponents of control) exposes the ingrained belief that the whole business of international negotiation is carried on by individuals in the spirit of gamesters and gamblers.

What now is the general attitude of mind of the people, and, were they fully informed of the outlines of our policy and the nature of our commitments, would their influence be helpfully pacific or embarrassingly aggressive?

There is truth in the theory that the impulse of the herd is lower and less moral than the impulse of the average individuals that compose the herd. It is also true that there exists a fairly permanent though small body of opinion ever seeking an opportunity for deliberately hostile action, and directly concerned with, or specially interested in, the waging of war. But there can be no doubt that the strength of their influence is due to the fact that the main body of opinion is ignorant and therefore easily gulled. Fuller information might moderate the optimism of pacifists, but it would destroy the malevolent power of the Jingo scaremonger. The people now do not act as a herd, but think and reflect in groups and associations which are gradually becoming more educated and more susceptible to a moral appeal. The herd only shows itself when, at the bidding of the Government, the spirit of wisdom and reason is discarded for the passion of vengeance and triumph. "The mob" must be distinguished from the people now, though in Victorian days it was customary to speak of the people in general as "the mob."

As to the general feelings of the people, it is a psycho-

logical problem about which it would be a mistake to dogmatize. They have moods, and the extraordinary variety of influences which sway them are quite impossible to trace. The inevitable clamour which arises on the outbreak of war is at once construed as popular approval. It is, as a matter of fact, no expression of opinion at all, but merely a crude demonstration of patriotism in which the loudest voices are those of the most ignorant and the least responsible. It may be a manifestation of an innate combative instinct which is under complete control in normal times, and which, in our advanced state of civilization, will never in itself be a cause of war, though it may appear in consequence of the outbreak of war.

Of late years the pacifists who formerly based their advocacy of peace on humanitarian and sentimental grounds have been reinforced by a very much larger section who lay more stress on the futility, than on the cruelty, of war, and support their contention with arguments which appeal to the financier, the economist, the sociologist, and the merchant. The result has been that an increasing number of people have become convinced that peace is the most vital and practical interest of the people, whose real enemy is no foreign nation, whatever its views may be, but the social evils which have to be continually combated at home. War, whether successful or not, largely augments these evils, not only while it lasts but for many years after it is over. But although this more enlightened opinion has gained ground, it proved powerless and utterly negligible when the recent crisis came.

Governments pay no heed and give no encouragement whatever to the natural and pacific inclinations of the people in time of peace. Their opinion of foreign questions is discounted because of their ignorance—an

ignorance for which the Government itself is largely responsible. But Governments also know that, once the country is committed to hostile action, bellicose and combative instincts can be very easily roused. The statement that a war is always popular at its outbreak is used to argue that peoples would precipitate more wars than statesmen. The truth, however, is that war-making Governments deliberately evoke the Jingo passions of the masses because they are of the utmost importance for the successful conduct of the war; the development of pacific instincts might embarrass a Government, so they are studiously ignored or ridiculed. Ministers go round the country and make War speeches instructing the people *after* the die has been cast, because they find that instruction very necessary. But who has ever heard of a Minister going round and making Peace speeches to instruct the people long before the fatal day?

Information is the indispensable preliminary to control. Some sort of argument might conceivably be found in support of the doctrine of complete ignorance. But in the twentieth century, with telegrams, newspapers, and easy means of travel, complete ignorance is impossible. The people, therefore, have at their disposal some information based on rumour, report, and gossip, with often a sufficient element of truth or probability in it to give it a sort of spurious authenticity. Surely this is more dangerous than either full knowledge or complete ignorance. It places them at the mercy of the Press, which supplies them intermittently with a certain amount of foreign news, coloured in such a way as to suit the particular interests which the more powerful section of the Press happens to be serving at the moment. Whatever influence the halfpenny Press may exert is entirely due to the fact that the people are

ignorant. An informed public would not be scared or misled in the same way. *The Times* is sometimes supposed to be the official organ of the Foreign Office. No one knows for certain whether it is or it is not. Its pronouncements go forth to foreign countries as expressions of British opinion. Should any one protest, he may be told that the opinion in no way represents the official mind. If he does not protest he always has a misgiving that it does. Neither trustworthy information nor any sort of popular control, therefore, can be secured through the Press. The people consequently are not uninformed but misinformed, and the Government is content to leave them bewildered, or even deceived, rather than admit them completely into its confidence, and thereby run the risk of their criticism, their disapproval, and their demand for control.

If they were fully cognizant of the general lines of national policy, receiving ample information of any changes or modifications which might take place in it from time to time ; if they knew the precise nature of the treaties, agreements, and commitments by which their country was bound to other countries ; and if their representatives had adequate opportunity to discuss and approve or disapprove the obligations which had been undertaken on behalf of the nation, there would be no further demand on the part of the people for detailed reports of negotiations at the moment they are being conducted, any more than there is a demand to control the detailed conduct of a war. When the publication of some piece of provocative news would obviously inflame public opinion, diplomacy would be justified in withholding it for the moment in the public interest—that interest always being the maintenance of peace. With this in view it is the obvious duty of a responsible Government to moderate, and not to inflame,

public opinion. But it may fairly be said that the official view of what is provocative would frequently not coincide with the popular view. The people would not be as easily exasperated by the unfortunate tone of an Ambassador, or the ill-considered language of a dispatch. Not only in these details, but in the whole field of foreign relations, their perspective would be different from that of a Government or Minister. This difference is most important. In what does it consist?

The Government, the Minister, and his advisers and subordinates conceive a State as a body consisting of another Government, Minister, and notables. That State has certain characteristics and is known by tradition to pursue certain ambitions. According to the particular game that is being played at the moment, that State may be honest and friendly, or intriguing and hostile. But it is a practically inanimate pawn in the game. The character of its monarch or Minister may signify, but no one else counts.

The people's view of another nation is entirely different. A foreign nation is to them another people with very much the same difficulties and trials as they have themselves, struggling in the same way, with practically the same interests, and knowing and understanding next to nothing of the ambitions and schemes of their Governments, which are apparently not framed out of any particular regard for their welfare. Far from being inanimate, a nation is an organic mass of sentient beings. It would perhaps be unfair to say that this conception is universally held. But the growing appreciation of true international interests and the dawn of a realization of the solidarity of human society will manifest itself in the minds of the people long before it reaches Governments. Nationality is regarded by Governments as a formidable barrier between jealous

States, whereas, in fact, it is an important, but comparatively superficial, difference of individuality and temperament, and, as the people are beginning to recognize, no obstacle whatever to co-operation in essentials.

National morality is said to be lower in its standard than individual morality, and undoubtedly nations in their behaviour to one another often act in a manner which would disgrace an individual. Their selfishness, their jealousy, their method of settling their disputes or keeping their promises, all compare very unfavourably with the conduct of individuals. It should be remembered, however, that when we talk of the low standard of morality displayed by nations in their dealings with one another, we cannot, strictly speaking, describe this as national morality because the nations themselves are not yet properly articulate. It is governmental morality. Yet there is a moral sense in a nation capable of living up to a superior standard and of insisting on higher international ethics. Does this latent moral sense reside in Governments or in the people? Of course, in the people; and only through them can it emerge and develop; only by them can it be expressed.

It cannot be reasonable, therefore, for any one who realizes that the people are not an inchoate mass to be regulated, guarded, and patronized by selected superior beings, but are the body, life, and soul of the nation, to refuse them any share in the control of their most vital concern; nor can it be wise, when Governments, admirable though their motives may be, periodically fail in their performances, to deprive them of the inestimable advantage of the support of a properly informed public opinion.

Low and undesirable forces are ever at work in public

life. The press, if it is so minded, may exercise a pernicious influence. Unscrupulous financiers, foreseeing gain and profit from an aggressive line of action, may surreptitiously cause the public mind to be fed on false reports. Militarists may help to create the atmosphere of suspicion and tension most suitable for their own purposes.

There is only one way of combating successfully these insidious, underground, and degrading forces. It is by confiding in the people, instructing them, fortifying them against false rumour and alarm, and engaging their ready help in the more secure establishment of enduring friendships with the other nations of the world.

The people do not constitute an extraneous force; they are not a party, sect, or class, but the very life, soul, and essence of the nation. Through them alone can full expression be given to national sentiments and aspirations; by them alone can the mutual sympathies of a common humanity be so elevated and strengthened as to form an inviolable tie of unity between the citizens of the world.

CHAPTER IV

PRACTICABILITY OF DEMOCRATIC CONTROL

FROM the desirability of democratic control I will now pass to the question of practicability. Many people who admit the desirability of such control fear that it is impracticable. Others, to whom it does not even seem desirable, fall back upon the argument of its impracticability as a second line of defence.

As subsequent chapters will be devoted to an analysis of the present method of conducting foreign affairs and the present relationships between Parliament and the Foreign Office, it will be sufficient here to enter into some of the broader considerations with regard to the practical means of introducing some sort of popular control in the management of foreign affairs.

It is clear that Parliament is the only instrument by which any actual check or control can be exercised. It will be asked: Can a large deliberative Legislature undertake, in addition to its ordinary business, the duty of conducting foreign affairs, which is purely an executive function? Obviously a large assembly cannot turn itself into an Executive. But what are the functions of Parliament? The business of legislation; the supervision of administration; and the control of all executive acts of the Government. By our Constitution the Cabinet which forms the Executive

is answerable to the House of Commons for all its acts, and is dependent for its continued existence on the majority of the House of Commons—that is, on the votes of the electorate. It naturally desires to act in conformity with the wishes of its supporters, and, if need be, to conciliate the antagonism of its opponents. In all executive acts arising out of legislation and the administration of home affairs, the people and their representatives are entitled to full knowledge of all facts and circumstances, and they form their opinion and make their protest in whatever way they deem to be most efficacious. Matters are submitted to them both in principle and in detail. In foreign affairs, on the other hand, they have very little knowledge, and the Executive is ready to take the risk of acting contrary to their wishes, knowing that their ignorance can be quoted as sufficient excuse for disregarding any protest that may be made on their part.

This state of affairs is definitely defended by arguing that foreign affairs should be withdrawn from the arena of party politics. That is to say, the Opposition leaders acquiesce in the Government policy, are privately informed of any important circumstances, have a representative on the Imperial Defence Committee, and exercise an influence without having any responsibility. Foreign affairs, then, can be withdrawn, not only from the arena of party politics, but from the parliamentary arena altogether, and except for a few indefatigable questioners and occasional "indiscreet" interrogations on the adjournment of the House, it might be supposed that foreign questions were not the concern of Parliament at all. Many might have been found to defend this divorce of the Executive from the Legislature before August 1914. It is rather doubtful if so many will be prepared to defend it now.

Whether the House of Commons by its power and constitution can really express the will of the people, how far, in fact, our form of representative government has succeeded, is too large a constitutional question to enter into here. Faults in our electoral system and in our parliamentary procedure no doubt preclude Parliament from being an accurate reflex of public opinion, or a perfect engine for carrying out the wishes of the people. Certain reforms of electoral methods likely to be established in the near future, together with the extension of the franchise to the adult population of both sexes, will help to broaden the basis of democracy, and to secure a more truly representative system of government. But, with all its shortcomings, the House of Commons, as it stands, is a national safety-valve, and free public discussion is the healthiest feature in our public life.

The advance of democracy has not been as pronounced as many people were inclined to suppose. It is not the passing of laws, or even an alteration of the Constitution, it is not the increased numbers of Radical, Labour, or Socialist organizations that makes democracy. It is the real education and the complete liberation of the people from the domination of any one class that alone can give them independence and self-reliance. Now this is far from accomplished. There has been a tendency, consequent on mere declarations of statesmen, to over-estimate the strength of democracy, or rather, perhaps, to under-estimate the power of the old forces that have held sway for so long.

When the crucial moment came in August 1914 the vast majority of the people, who had no knowledge whatever of any of the circumstances, were quite prepared to trust, to submit to, and to obey their social superiors of the governing class. In a country like

Germany, where conscription exists, and habits of discipline and obedience are cultivated by a semi-autocratic and semi-bureaucratic Government, obedience and submission are engrained in the people's nature, and the Government finds no difficulty whatever in leading them, Liberals, Social Democrats, or whatever they may be. Obedience and submission are not cultivated in this country, but we were rather too ready to believe that they had disappeared with the old order of aristocratic government; whereas it takes far longer to liberate a free spirit, and to establish self-confidence in a people who for centuries have been accustomed only to serve, than it does to alter the system that made such a state of affairs possible. The work has begun. It never can be stopped. Only we imagined that it had gone farther than was actually the case.

Those, however, who declare that the whole House of Commons is enslaved by the caucus of the various parties and that Members, having lost their independence would only act on foreign questions as they do on domestic questions, that is to say, as the puppets of the Executive, usually argue without close knowledge of House of Commons life, though they are justified in their criticism that the power of the Executive is excessive. The votes of Members in the Division lobby appear ostensibly to be the determining factor in the decisions of the House. It is true that Members, under the present defective procedure of the House, are too often obliged to subordinate their opinions on the actual question at issue to the general consideration of the maintenance in power of a Government which on other matters they are prepared to support. Nevertheless, speeches expressing the definite opinion of a small minority have been known to influence

Governments in shaping their policy even though there is no fear of defeat in the division. The threat of an adverse vote might make a Government alter its course, but such an occurrence is so rare as to be almost negligible. Moreover, if the Opposition are in agreement with the Government, as they have been in recent years on such questions as foreign policy and expenditure on armaments, a small minority in the No lobby can be entirely ignored.

But those who have a more intimate acquaintance with parliamentary life know that there are a host of other methods and influences which can be, and are, brought to bear on Governments. A measure of any importance remains before the country for several months while it is slowly going through the various stages of its procedure. All the time the electorate—more than that, the whole adult population—make representations in many different ways. They sign petitions, they write letters to their Member, they send memorials, they express themselves by means of deputations, not to speak of heckling and argument at meetings. All this has the effect of informing the general public and giving those whose opinion is strong enough to allow them to organize their forces and to press their view, every opportunity of moulding and modifying the scheme proposed by the Government. Numberless alterations have been made in legislation by this perfectly legitimate pressure from the people exercised on the Legislature.

The people, therefore, are not so easily led or driven when a question arises which intimately concerns their domestic interests. The reason is, that they fully appreciate the rights and wrongs of the case, the principle as well as the facts and details, and they are consequently able to exert an appreciable amount

of control by the expression of their approval or displeasure.

It is knowledge that makes them a force, and ignorance that leaves them victims of more powerful agencies.

The same sort of control, arising from knowledge and not from the usurpation of executive power, is wanted in the field of foreign politics. The people cannot in the nature of things have complete detailed information of passing events, but beyond that they should not be treated as children unworthy of confidence and incapable of comprehension.

The structure of democracy is far from complete, and so far as it has gone may be said to be imperfectly designed in some respects. But in this particular no attempt whatever has been made at a pretence of democratic government. No scheme has ever been brought forward with a view even to laying the foundations of a system better adapted to modern ideas in a progressive State. We have been content to have two wholly different political systems for internal affairs and for foreign affairs. If our present method never caused us anxiety or misgiving, we might be content to leave things as they are. But when it has become very clear that the people's view of international relations is fundamentally different from the traditional view of Governments, it is about time that some beginning should be made to inaugurate a change.

We have been interrupted in the middle of constitutional reforms. The government of the United Kingdom in the course of the next few years will undergo considerable alteration. Without entering into the precise methods and stages, or foreshadowing the eventual effect of the change, we may safely conjecture that some form of devolution will be established by

which a great deal of the burden of work now cast on the House of Commons, and too often scamped and neglected, will be delegated to local Parliaments. The Imperial Parliament, with a reformed Second Chamber, will have time for the adequate consideration of Imperial affairs. An Imperial Executive would probably stand or fall according to its management of foreign affairs, while a different Executive, responsible to a separate Parliament, would control home affairs. The separation of the two functions would be an advantage, because the want of time for discussion is a real difficulty, at present felt as much by the Foreign Secretary as by the House itself.

But there is another general consideration which cannot be ignored. Our great Dominions have become forces which must be taken into reckoning in the future governance of the British Empire. Their readiness and eagerness, lately displayed in a most significant way, to rally to the help of the Mother Country, and to stand by her in a war which is the outcome of purely European entanglements, gives them an undoubted claim, which indeed has already been expressed, to a voice in the control of foreign affairs.¹ I allude to this point, not

¹ Sir R. Borden said in December 1912 : "I think the question of Canada's co-operation upon a permanent basis in Imperial defence involves very large and wide considerations. If Canada and the other Dominions of the Empire are to take their part as nations of the Empire in the defence of the Empire as a whole, shall it be that we, contributing to that defence of the whole Empire, shall have absolutely as citizens no voice whatever in the councils of the Empire ? I do not think that such would be a tolerable condition. I do not believe the people of Canada would for one moment submit to such a condition."

Again in December 1914 : "It is impossible to believe that the existing status [of the Dominions] so far as concerns the control of foreign policy and extra-Imperial relations can remain as it is to-day."

with any desire to proceed with the elaboration of an Imperial Council or any scheme of Imperial Federation which may or may not be practicable, but in order rather to sound a note of warning against possible developments in the wrong direction.

There exists already the Committee of Imperial Defence, a body of certain Cabinet Ministers and ex-Cabinet Ministers and naval and military experts, whose duty it is to make all the necessary preparation for the defence of the realm : from time to time they may call in a representative of the Dominions to their deliberations. This body puts out no formal claim to direct or even to influence policy. But armaments and strategy are vitally dependent upon policy ; and when there is a body of military and naval experts with uncontrolled authority, formulating strategic schemes not necessarily confined to defensive operations—for aggressive action from the military point of view can often be claimed to be the best method of defence—it is practically certain that they will, sooner or later, exercise a strong influence on policy behind the scenes, and instead of being the servants of the Executive, will become its masters. But, while this body has no representative character whatever, its deliberations are secret and the scope of its power is undefined, the Cabinet and Parliament are being gradually led to defer to its authority, and the Foreign Office to reverse the accepted formula and to make policy depend on strategy.

If the demand of the Dominions is to be satisfied by the admission on to this Committee of their representatives as permanent members, it will not mean any extension of democratic control, but it will mean the further strengthening of a secret, undefined and unrestrained power working in the very opposite direction to the ideal at which democracy is aiming. On the

other hand, greater publicity would be as advantageous to the people in the Dominions as to our people at home. For the Dominions have been kept in the dark and deceived in matters of foreign policy to an even greater extent. The faint echoes of truth which sometimes reach our public are stifled in crossing the ocean. To secure greater publicity, therefore, would be to render a service to the whole British democracy.

Colonial representation is really a separate problem. It is a question for the future which is likely to become increasingly pressing. It does not stand in the same category as the need of allowing the people of the United Kingdom a voice in regulating our foreign policy.

A further point which is often raised with regard to the practicability of democratic control is this: How can our Government make disclosures of the opinions, intentions, decisions, policy, or even action of foreign Governments when those Governments have not themselves informed their own people? How can our Government disclose secrets which are not their own secrets?

The supposed maze of important secrets on which the fate of nations depends is a pure fiction arising from the silence of Governments and the consequent mystification of the governed. The number of secrets of real consequence which it would be contrary to the public interest of any country to have made public is very small, as any one knows who has had any experience of the workings of diplomacy. The number of secrets fabricated by diplomatists for their own gratification is no doubt large, but they are often *secrets de Polichinelle*. It has been well said that "a great deal of the reticence of diplomacy had, as history shows, much better be spoken out. The worst families are those in

which the members never really speak their minds to one another." But it would clearly be a new departure to some extent if our Foreign Secretary informed his Parliament more openly and more immediately, not only of our policy but of the manner in which it was met, accepted, or rejected. Foreign Governments, knowing they were dealing with a people and not with an individual, would soon be inclined to adopt the same method. Engagements made publicly with the full backing of parliamentary approval would create more real and more binding obligations, and thereby the authority of the Executive would be greatly strengthened in the eyes of foreign Governments.

This open dealing might be to some extent disadvantageous from the purely diplomatic point of view, if we desired to continue the policy of special friendships, alliances, balance, antagonisms, and jealousies. But we may devoutly hope that, whatever else happens, this policy will be discarded as part of the hideous nightmare of the past. And indeed we have the Prime Minister's authority for saying that a real European partnership is to be substituted for "groupings, alliances, and a precarious equipoise." There will be every advantage, therefore, in candour and frankness.

The Foreign Secretary would, as will be shown later, continue to have a great deal of discretion, but, in the crucial turnings and the new departures in policy, he would have to refer the final decisions to Parliament. It must not be supposed that only State secrets are withheld from the House of Commons. As matters stand, *everything* connected with foreign affairs, except the few subjects, possibly quite unimportant, which may emerge in the course of a day's debate, or about which ingenious questioners manage to squeeze out

occasional driblets of information, are studiously kept from the knowledge of Parliament.

The answer, therefore, to this point is that no embarrassing secrets, should they exist, of foreign Governments need be disclosed and made public any more than they are now. The people have no desire to nose out official gossip, royal tittle-tattle, diplomatic indiscretions, or any of the more frivolous elements in diplomacy. They want to know exactly what their national commitments and obligations are, the reason for strained relations should they be apparent, and the guiding principles of our international dealings. This knowledge is kept back from them now, and no one with the vestige of a belief in democracy can say that their demand is unreasonable.

CHAPTER V

THE PRESENT SYSTEM

BEFORE making any attempt at construction, let us first examine fully the existing method of conducting foreign affairs.

There are, roughly speaking, four authorities to be taken into account—the Foreign Secretary, the Cabinet, the Foreign Office under which the Diplomatic Service works, and Parliament.

The Secretary of State for Foreign Affairs is in an entirely different position from any other Minister. Unlike most of his colleagues, he is not responsible for administering any new laws passed by Parliament and is exempt from the criticism entailed by the examination of measures the effects of which can immediately be felt by the people. The work of his office is mostly conducted in private, and no part of his executive action is subjected to the same scrutiny as that of the head of any other department. The results of his policy may only become known by degrees to the few people who follow closely the course of public affairs in foreign countries. Complaint has sometimes been made that the Colonial Secretary has too free a hand. But there is a great difference between his duties and those of the Foreign Secretary. The Colonial Secretary has actual work of administration and deals exclusively with British subjects. Any maladministration, or any

objections to his executive action, therefore become known and can be publicly aired without any delay.

The Foreign Secretary's work consists of negotiation with sovereign States, the protection of British subjects abroad, and the assistance of our commercial interests in foreign countries. Correspondence is carried on by the Foreign Office through our diplomatic representatives in foreign capitals. A great part of this correspondence is secret and confidential, and all telegraphic communications are transmitted in cipher. A certain number of telegrams are circulated daily to the Cabinet. But a Cabinet of twenty, consisting, as it does, mainly of Ministers almost overwhelmed by the work of their own departments, not to speak of the current work of a Cabinet in modern parliamentary conditions, is not a body which can act as an advisory council to a Foreign Secretary. They too, therefore, remain in comparative ignorance until some vital decision has to be made, when, ill-informed and unprepared, they are hurried to a council to declare their opinion.

By circumstances, therefore, and not by design or by his own special desire, the Secretary of State for Foreign Affairs finds himself in the isolated position of an autocrat or, in words already quoted, "with all but unlimited discretion." It is not an enviable nor a safe position in which to place any single individual. He has indeed an opportunity apart from Parliament, that is to say, even when Parliament is not sitting, to inform and instruct the people by speeches in the country. But, though this is a most desirable practice, in recent years very little advantage has been taken of it. Pronouncements on foreign policy in years when the European situation has been more crucially important than in any period which living men can remember have been very few and very far between.

The omission has been noticed and resented, and has helped to strengthen the impression that it is deliberately intended to keep the people in the dark.

The Secretary of State's official advisers are all specialists saturated in the diplomatic tradition. They play the game according to the recognized rules, treating countries as pawns with a sublime disregard of popular feeling. Parliamentary questions, or expressions of opinion from outside, are treated as undue interference of ignorant people who have no business to participate in work of the details of which the Foreign Office alone have full knowledge. The attitude of the Foreign Office official to Members of Parliament is apt to be one of contempt : "What a nuisance they are with their ill-timed questions! they know nothing about foreign affairs : it is *our* business, not theirs"; and to the general public one of pity : "If only you knew what we know you would think as we do."

Working in this rarefied atmosphere, the Secretary of State, oppressed by the amount of business he has to transact, becomes more and more drawn away from any sort of outside influence and begins to rely exclusively on expert advice. Unless he is a man who has a close knowledge of foreign life, domestic as well as political, the aspirations and ambitions, as well as the methods and habits, of some of the peoples of Europe, he will derive his whole knowledge of continental affairs from official despatches and diplomatic reports. Nothing could be calculated to give him a more one-sided, unreal, and incomplete version of the true condition of world politics; and yet the pompous, authoritative tone of these communications may easily mislead him into supposing that the record he has before him is all-embracing and exhaustive, and requires no supplement. The Foreign Secretary on

his own subject naturally dominates his colleagues in the Cabinet, who are reluctant to interfere in the management of a department about which they know so little. Not only in details, of which the officers of the department may rightly claim to have special knowledge, but in the guiding principles which underlie policy, the Secretary of State can avoid consultation with any but strictly official representatives. The Prime Minister and one or two of his principal colleagues may be admitted into his confidence on important occasions ; but this will be more with a view to strengthening, than to modifying or altering the decisions he will submit to the whole Cabinet.

In other departments the critical moments which arise from some problem of administration or some projected scheme of legislation are foreseen and can be discussed beforehand. In foreign affairs the critical moments often arise unexpectedly and without warning. But in normal times foreign questions are given a subordinate place as being of no special interest, no one, except the Foreign Secretary himself, realizing that a series of apparently unimportant details, a passing incident or the general trend of policy in a foreign country, may be highly significant. In such times he will find it difficult to get the Cabinet, already fully occupied with their programme of contentious parliamentary business, to listen to his statements or to give him proper attention.

Parliament is ignorant and powerless. More than that, it has been content to remain ignorant and powerless. A very marked diminution in the time devoted to foreign affairs in the House of Commons has been noticeable within the last twenty years or so.

The evidence given by three prominent parliamentarians, before the Committee sitting, during the Session

of 1914, on House of Commons Procedure (see Appendix I), shows the attitude of opposition taken up by statesmen of the older school to any serious change in the present system.

Mr. Balfour, it will be seen, is frankly an opponent of parliamentary control of any sort. The Prime Minister considers the present opportunities sufficient. In the latter part of his evidence he rightly objects to any division of the responsibility of the Executive though in point of fact this demand has never been made. The Speaker favours a Committee to go into questions of expenditure and organization but not of policy.

Although these opinions are unfavourable on the whole to the claim made in these pages, they require consideration as the views of distinguished politicians of long experience. Men occupying high official positions are the last people in the world to desire any sort of change that would involve what they consider to be a weakening in the powers of the supreme authority. However, they all admitted that foreign affairs, owing to the fact that there was no party difference, were far less frequently discussed.

But the absence of any marked difference of opinion between the Government and Opposition is not the only reason for the diminished interest, and absence of discussion on foreign questions. The composition of the House of Commons has changed very much during the last generation. Labour representatives and men of moderate means have been able to gain admittance into the House. Many of them are men with special knowledge on industrial and social questions, and their presence has been of the utmost value in the debates on the multifarious social and economic problems which have latterly occupied, to a

much larger extent than ever before, the time of the House. Few of them, however, have the leisure or opportunity to travel, or to study foreign questions at first hand, and unless such study is undertaken on the personal initiative of a Member there is no means whatever for him, as one of the general public, to gain any knowledge of foreign events or international relations. Those Members who take any interest in foreign affairs will almost all be found to have lived abroad, to have travelled, or in some way to have been placed in close relations with particular foreign interests. This general lack of knowledge undoubtedly has the effect of preventing any considerable body of opinion in the House from pressing for discussion. Members are reluctant to speak on subjects about which they know they are not well informed, and one of the new features observable in the modern House of Commons is the high level of specialized discussion of detailed points and the consequent neglect of general discussions of policy and principle.

But ought the exposition and full explanation of the vital issues connected with our foreign relations to depend on the number or ability of the Members who, in their private individual capacity, have had occasion to gain some knowledge of foreign nations? It certainly ought not; but as long as there is no recognized procedure for the periodic discussion of foreign questions, these unsatisfactory conditions must continue to prevail.

The Foreign Office Vote is the one opportunity for a special debate on our foreign relations. But even this is dependent on the request of the Opposition. In recent years a Session has been known to pass without the Foreign Office Vote being taken at all. The small minority—and it is very small—of Members, on both

sides of the House, who are specially interested, and who may from their knowledge foresee difficulties and dangers ahead, is practically powerless if it desires to have a debate. In 1914 a day and a half was devoted to the Vote. The first half-day of four and a half hours would probably have been all that would have been allotted had not the Opposition had to choose the subject for another spare day and selected the Foreign Office Vote for no special reason except, perhaps, as it appeared by the attendance at the debate, that many members had to be away on that day. And what is the nature of the debate when it does take place? It consists of a number of questions from various Members on detailed points in every region of the world. Some one will start on Persia. He will be followed by one or two interested in the Balkans; Chinese railways, the New Hebrides, opium, Portuguese slavery, Egypt or South America, may all be enlarged upon by subsequent speakers, and the Foreign Secretary will wind up with a perfunctory reply on all the questions raised. If any Member is bold enough to call for a statement of general policy with regard to our relations with European countries, the *ententes*, alliances, balance of power, or reduction of expenditure on armaments, he will be treated as if he had started some entirely irrelevant subject that was quite outside the range of the debate. It is not surprising that Members who have no special knowledge of foreign subjects should absent themselves from a debate of this sort.

When a crisis is imminent all debate is scrupulously avoided. When war becomes a certainty undebated statements are made to a bewildered and entirely ignorant House. Neither in the decisions nor in the policy which leads to the decisions is there the smallest exercise of any control by the people or their repre-

sentatives. It is idle to pretend that presenting to the House a *fait accompli*, which on important matters is invariably done, is equivalent to submitting an open question to its judgment.

In 1911 a motion was put down by the Prime Minister—"That the foreign policy of his Majesty's Government be now considered." This afforded an additional opportunity, but it was *subsequent* to a crisis. The country had been almost unnerved by scares and rumours of war, and the Government desired to clear the air and justify themselves. There was no question of consulting the House of Commons.

There are two other methods by which the House of Commons can obtain information and secure publicity for information with regard to foreign affairs—Blue Books and questions. Blue Books consist of carefully edited dispatches concerning negotiations which have taken place some months previously. They give a portion of the correspondence, and if any discussion of them occurs it must be long after the events have happened, and is, for all practical purposes, valueless. Parliamentary questions afford a better opportunity of eliciting immediate information. But it may often be embarrassing for the Foreign Secretary to confine within the limits of an answer to a question some important statement of policy. The consequence is, he may evade the crucial points or use some formula which is diplomatically correct but actually misleading. In short, the questioners come to be regarded as mischievous disturbers of the cherished silence, impertinently attempting to peer behind the curtain. Questions, however, are convenient on the rare occasions when the Foreign Secretary does desire to make a brief statement. This, so far as the House of Commons is concerned, is, with the exception of a possible reference

to foreign affairs on the Appropriation Bill or on the motion for adjournment, the only recognized means the representatives of the people have for the discussion of the concerns vitally affecting every citizen of the British Empire.

Days, weeks, months, and even years are spent in the most detailed discussion inside and outside the Houses of Parliament of every project of legislation, while a very few days, at the most, annually, would measure the total of time devoted to the discussion of British interests in relation to the other countries of the world.

As a representative assembly, whatever its powers may be on domestic and colonial questions, the House of Commons is practically powerless to express itself or to exercise any appreciable influence on our foreign relations. For instance, it may or may not be right to conclude an alliance with one Power or an *entente* with another ; it may or may not be wise to divide Europe into two armed camps ; it may or may not be advisable to have special friends and therefore rouse special jealousies. But whatever the opinion of the people or of their representatives may be on such subjects as these does not signify in the smallest degree. They have no say in the matter at all. All these momentous questions are settled over their heads. The Foreign Secretary has recently declared more than once that his action must be guided by public opinion ("our attitude would be determined largely by public opinion here," White Paper No. 123) ; but no steps whatever are taken to ascertain what the people think, nor is there any means of doing so when it is left to the last moment. A general line of policy may be pursued which the country but imperfectly understands ; commitments and engagements may be entered upon with

other nations the very existence of which is unknown to the people ; treaties may be concluded, the House of Commons only being informed at a stage when ratification is a mere formality ; and negotiations may be carried on without the smallest publicity being given to them. Those who have declared that this method is inevitable and, on the whole, desirable will perhaps not go so far as to assert, with recent experiences fresh in their minds, that secret, uncontrolled, and unrepresentative diplomacy has proved itself an unqualified success.

The Secretary of State for Foreign Affairs is certainly not to blame for not enlarging the powers of the House of Commons. If he takes advantage of its impotence he is within his rights, though it is doubtful in the long run if he is wise. Nor indeed is the Government primarily responsible for leaving matters as they stand. The House of Commons itself is alone master of its own powers, prerogatives, and privileges. And yet since 1886 the House has never formally faced the question of its lack of power in this direction. In that year a resolution was moved by a private Member, Mr. Richards, on March 19th, to the following effect :—

“ That in the opinion of this House it is not just or expedient to embark in War, contract engagements involving grave responsibilities for the nation, and add territories to the Empire without the knowledge and consent of Parliament.”

The motion was lost by only four votes, and Mr. Gladstone, though he opposed it, was by no means unsympathetic. He said :—

“ The present system cannot possibly be defended

as an ideal system. That is to say, we cannot say that in any instance the maximum of security is afforded to the country against either its going wrong or being betrayed into acts which, whether right or wrong, are acts of which it has no cognizance and on which it has had no opportunity of bringing its judgment."

But he protested that executive and legislative functions should not be mixed up, and that the House of Commons in its legislative capacity could not take upon itself executive duties. But this distinction cannot be applied to all acts of foreign policy. The making of a Treaty, or Convention, for instance, is not in substance a purely executive act. It modifies the body of international law, and therefore has a legislative effect. Moreover, it is most important that the Executive should not be cut off or estranged from the source from which they derive their authority. On the contrary, they should be in constant and close touch with the people.

Since 1886 the matter has been referred to, but never fully debated. Members have touched on the point during the course of debates on the Foreign Office Vote. And on one or two occasions the Foreign Secretary has made a passing reference to it in reply. In 1913 he went into the subject rather more fully, and it is worth while to quote his words as an expression of his opinion on the whole subject of control.

"I think I need hardly enter upon the subject of control of the House over foreign affairs. It has been often discussed. It falls into three parts. First of all, people do not like to have secret treaties which are not disclosed. We have always agreed about that, and, as far as we are concerned, our policy has not been to make more secret treaties, but on the whole we have

done something to publish treaties which have been secret before, although I admit that when they were made they could not have been published, and we have avoided making secret treaties which entail serious obligations on this country. The second point, which has often been raised, is that all treaties should be subject to ratification by Parliament. That is a point very interesting to people who have constitutional minds. It used to interest Mr. Gladstone very much, and he was always a strong opponent of what he considered a grave change in the Constitution. It is not a departmental point, it is a constitutional point, and I could not go into it on the Foreign Office Vote. The third branch of the subject is how far the House can control any administrative department. I believe, as regards the Foreign Office, that it has just as much control over Foreign Office administration as it has over the administration of any other department. It controls the administration by the fact that it has the right of voting money, and money is not voted unless there is general approval of the administration which has been carried. I doubt whether the House could transform itself into an administrative body. Imagine a Foreign Affairs Committee to which the administrative work of the Foreign Office is to be submitted before it is carried out, and to which drafts of telegrams must be submitted before they are sent! I believe it to be an entire mistake to suppose that a committee could really administer. You cannot carry on administration through a committee. To make administration dependent on a committee would result in bringing administration to a standstill. That is the real question which the House is raising when it talks about control over the Foreign Office, and it applies equally to other departments—to the Colonial Office and the India Office. This House is

a deliberative body ; it passes legislation, but it reviews policy and gives it approval or not, as the case may be. The House cannot really, by any arrangement of Committee, make itself into a really executive administrative body. It must be content with the position that the Cabinet is the real executive body responsible to Parliament to which the administration must be left, to be reviewed, however, by Parliament. If the House wishes to make an experiment in administration, and selects one of the great departments over which to exercise administrative control, I would suggest that the experiment be not made, in the first instance, with the Foreign Office.”¹

Sir Edward Grey here confined himself first of all to secret treaties. This is a most important point, but this is only an expression of his opinion, and of his intention while he is holder of the office of Foreign Secretary. Neither this Government nor any other is bound not to conclude secret treaties or attach secret clauses to treaties. Besides, this does not cover the whole ground. There are such things as commitments undefined, and perhaps unwritten, which nevertheless involve national obligations. Of such a nature were the naval and military conversations with France undertaken before 1912, which were kept secret from the House of Commons. Parliament was even specifically informed that no sort of obligation existed.² Yet these negotiations constituted, as Lord Lansdowne declared, “obligations of honour,” “obligations not less sacred because they are not embodied in a signed and sealed document.”³

His second point was the ratification of treaties.

¹ House of Commons debate, May 29, 1913.

² Parliamentary questions, March 24, 1913; June 11, 1914.

³ House of Lords debate, August 6, 1914.

This, as he rightly said, was a constitutional and not a departmental point. It must be referred to again more fully when constructive proposals are discussed.

The third point is interference with administrative and executive power. This has already been dealt with, and it has been shown that such interference is neither possible nor desirable.

It is, however, quite a mistake to say that the administrative or executive action of the Foreign Office can be controlled in the same way as that of any other department. There is this important difference. In all other cases administrative acts and their effect are publicly known. In the case of foreign affairs they are only occasionally discovered because they are purposely kept secret. The acts of local authorities, the police, Customs authorities, Postal servants, or Colonial Governors are public property, while the activities of diplomatists are kept a profound mystery, only occasionally to be dragged to the light by a process of persistent questioning, or left in obscurity until some part of them are published too late in the not very lucid pages of Blue Books.

The assumption that the work of the Foreign Office is exclusively administrative is most misleading. It might just as well be said that the work of the Treasury is administrative. But the *policy* of finance is in the hands of the House of Commons. In fact, what Sir Edward Grey left entirely out of account was the question of policy. Should the House know how, why, and when a certain definite line of policy is adopted with regard to foreign countries? This is the all-important and vital principle for which we are pleading, and it is a point that is almost invariably evaded.

Before leaving the parliamentary aspect of the ques-

tion, a word must be said about the House of Lords. By their procedure, which in some respects is very superior to that of the House of Commons, the Lords may initiate a debate on a foreign question and have a useful discussion. There are many more Members of the Upper House who are well qualified to speak with knowledge on foreign affairs. The ventilation of the particular subject may be useful and may elicit a declaration of policy. But the voice of democracy will not be heard in this Chamber, the Foreign Secretary himself at the present time is not a Member of it, and his deputy cannot speak with the same freedom and frankness. Moreover, the House itself is in a transition stage, which prevents it being possible to determine how it might be utilized as a permanent part of a machinery for controlling foreign affairs. A reformed Second Chamber may be useful in its power of initiating debate, but with the House of Commons must ultimately rest the power and the right to control on behalf of the people.

CHAPTER VI

THE FOREIGN SERVICE

THE machine and its functions must be scrutinized more closely in order to show that there is fault in the method as well as in the management.

There is a natural but none the less profound ignorance in the public mind as to how and by whom international intercourse is carried on. While all the ranks and the duties of the Navy, the Army, the Church, the Law, etc., are matters of common knowledge, a comparatively small minority of people know the difference between an Ambassador, a Consul, and an Attaché.

In spite of constitutional developments and the growth of democratic institutions, in spite of the immense change effected in human affairs by the electric telegraph and railway travelling, the method of administration in foreign affairs has remained unaltered. But there is this very significant difference: that the representative in a foreign capital in former times was his own master and obliged to act on his own initiative, whereas now he is controlled by the telegraph wires and is consequently shorn of a great deal of his importance and power. For instance, we read that "from 1810 to 1812 the Foreign Minister and his Under-Secretary honoured H.M. Minister Plenipotentiary at Constantinople with sixteen dispatches, and not one of these

documents had any bearing on the intricate and momentous negotiations which Canning was then conducting at the Porte "¹ whereas to-day our Ambassador in Turkey, having dispatched his request for instructions in the morning, receives his answer from the Foreign Office before sitting down to his luncheon. This is a remarkable illustration of the growth of centralization and the enormous increase in the power and responsibility of the Foreign Secretary.

Intercourse between nations is carried on between the accredited representatives and the Foreign Minister in each capital. As an example of how this works, let us take the recent negotiations between the Powers of Europe before the outbreak of war.

The British Foreign Minister was in communication with the—

- German Ambassador.
- French Ambassador.
- Russian Ambassador.
- Austro-Hungarian Ambassador.
- Italian Ambassador.
- Turkish Ambassador.
- Belgian Minister.
- Servian Minister.

Mutatis mutandis, each other Foreign Minister also was in communication with the representatives of these eight most directly interested Powers, and in each case there is a double line of communication (e.g. the British Foreign Minister with the French Ambassador, the British Ambassador with the French Foreign Minister), and the two reports received by each Government do not always tally. Apart, therefore, from many important communications with the other Powers that remained neutral, there were no less than sixty-four

¹ "Life of Stratford Canning," by S. Lane-Poole.

channels of intercommunication ; and through each of these correspondence was carried on in three different ways, varying in rapidity—interviews, dispatches, and telegrams. So complicated and unbusinesslike a method of international intercourse is bound to enlarge the scope of the dispute, lead to confusion and misunderstandings, and produce embarrassing situations. Any ordinary business conducted on these lines would collapse in a week. The Chancellor of the Exchequer, in his recent experience of international negotiations, declared in the House of Commons (February 15, 1915) : " After six months of negotiation by cable and three days of conferring face to face, we realized that better results were achieved by means of a few hours of businesslike discussion by men anxious to come to a workable arrangement than by means of correspondence. Misconceptions and misunderstandings were cleared away which otherwise might take weeks to foment into mischief."

No reform, therefore, is more necessary than the concentration and the simplification of negotiations, if possible, by the immediate formation of a European Council of representatives, to whom matters of dispute should be submitted and the sole conduct of negotiation should be entrusted. But this will depend largely on whether the Powers in future are to act in concert or are to act in groups. To enlarge further on this would be to embark on questions of policy which I have no intention of discussing here. It is sufficient to say that the present method is clumsy, unpractical, and conducive to dissension rather than to conciliation. It must be remembered, too, that, ridiculous as it may seem to a mere outsider, disregard of the intricacies of etiquette, the utterance of tactless phrases, or loss of temper on the part of an individual representative, may quite well

produce a rupture of relations. In this sort of atmosphere nations become inanimate chessmen, diplomacy becomes a highly specialized game, and, while secrecy and intrigue are prevalent, guiding principles are obscured or lost sight of. The exclusive and surreptitious character of our intercourse with foreign nations, due to the unrestricted powers of the Foreign Secretary is further accentuated by the aristocratic and unrepresentative nature of the instrument through which he works, and the medium through which all communications reach him.

In the exercise of his functions the Secretary of State is assisted by a staff of about fifty first-class clerks in the Foreign Office and 120 members of the Diplomatic Service. These two services are recruited differently from any other branch of the public service. A candidate requires to be nominated by the Secretary of State after being recommended to him by some one "of standing and position, on whose judgment he can rely."¹ Before entering for the examination, he must appear before a Board of Selection, who further scrutinize his credentials and take stock of his appearance, manners, etc. But in the case of the Diplomatic Service, before a nomination can be granted, there is the further qualification necessary that candidates "must possess an income or allowance of not less than £400 a year."

By this means it will be seen the two services are reserved for men of a certain class and men of means. This is the old aristocratic tradition, by which it is supposed that fine gentlemen who are well off are the only fit persons to represent this country in foreign capitals. There may have been some justification for this idea in former times, when diplomatic intrigue was

¹ See Appendixes II and III for conditions of entry and recommendations of Royal Commissions.

confined to courts and high society, and when all countries were governed by aristocrats or autocrats. But to-day, when high society is to a large extent divorced from Government in most countries, the qualification becomes an anachronism. Moreover, neither birth nor wealth is a necessary accessory of good manners, still less of ability. "The social duties" of a diplomatist, on which so much stress is laid by those who desire to preserve the system of nomination and the income qualification, have undergone a considerable change. Familiarity with the manners and habits of courts and aristocratic society is no longer an essential, but what is wanted is "the capacity to mix on easy terms with men of all classes in the countries to which diplomatists may be sent." Men who have been trained in our great Public Schools, impregnated as they are with class prejudice, are more often than not peculiarly lacking in this capacity. It is no longer true that—

Tout s'arrange en dinant dans le siècle où nous sommes.
Et c'est par les dîners qu'on gouverne les hommes.

In fact, most of the smart dinner-parties in foreign capitals are now held in the quiet backwater of a section of Society far removed from the principal activities of the national life. The commercial, the industrial, and the literary life compose the sphere in which political thought is active and the social conditions of the people can best be studied.

With rare exceptions the Foreign Office clerk remains at home and the diplomat remains abroad. The latter roams from one capital to another, sometimes having to pass through periods of almost complete idleness, a severe strain on any man, however great his abilities may be. He gradually becomes completely out of

touch with public opinion, internal policy, or under-currents of thought in his own country. It must also be remembered that before entering the service he has probably had to spend the greater part of his holidays and vacations abroad in order to learn languages. This lifelong exile not only cuts him off from any knowledge of the institutions and social and political movements in his native land, but handicaps him in his own work by depriving him of the benefit of a central point of view which can be obtained in London better than in any other capital in the world. On the other hand, the Foreign Office clerk is cramped by office routine, and may only have a documentary knowledge of current affairs in foreign countries. As the late Sir R. Morier (many years Ambassador at St. Petersburg) said: "It is most important that the Diplomatic Service should be to a certain extent nationalized, and that the Foreign Office should be to a certain extent internationalized." The amalgamation of the two services, therefore, into one Foreign Service is a very obvious and a very necessary reform, and is recommended, not for the first time, by the Royal Commission which has recently issued its report.

Abroad, the diplomatist is apt only to associate with high official society and his *chers collègues*, and he is naturally inclined to view outside activities, especially if they happen to be directed against the Government to which he is accredited, from a strictly official point of view. Our diplomatic representatives, indeed, are, themselves, primarily men who represent only a very small section of the life of the nation. They are most unfairly handicapped by being launched at once on a desultory wandering over the globe instead of being given opportunity for serious training for their highly important duties. The percentage of men of marked ability in

the profession is, consequently, not high. But very great credit is due to those who, in spite of these adverse circumstances, have been able to render conspicuous service to their country. There is no finality or fixity about foreign affairs. They are in a state of continuous change and require the exercise of constant vigilance. In times of peace diplomats are at work all the time quietly and unostentatiously. Their very names are unknown unless a crisis comes. As Sir Edward Malet, at one time Ambassador at Berlin, once said : "The world is a huge body clad in a garment of state. We diplomatists studded all over the earth are the unobtrusive buttons which hold the garments together. As long as we perform this function satisfactorily we pass unnoticed because the garments continue to sit properly. It is only when we break loose or come off that we become an object of attention or discussion."

It cannot be repeated too often that no one wants to interfere with this quiet diplomatic work. The Foreign Secretary can be trusted to supervise it. On the other hand, the tradition of secrecy and mystery is carried a great deal too far, and important steps may be taken behind the scenes which sooner or later have to be disclosed to an uninformed and perhaps indignant nation. A small number of men, associating only with others of their own class, and carrying on their intercourse in whispers, cannot fail to have a distorted perspective, a narrow vision, and a false sense of proportion. A tradition of intrigue has been carried down from the Middle Ages, but it is not only out of place, but positively dangerous, in the twentieth century. The diplomat, with his finger on his nose, hovering behind the arras to overhear the secrets of kings and princes, is a figure that only occurs now in comic opera, though many people believe he still exists to-day.

We want the best equipped men we can get, with good knowledge of the institutions of their own country, with proper economic and commercial, as well as linguistic, training, and with tact and judgment, who will work with a constant sense that they are the servants of a people, not the puppets of a Court, or even the tools of a Government. Only by throwing open the service and dispensing with nomination and artificial qualifications can this object be attained.

On February 23, 1877, Mr. Trevelyan (now Sir George Trevelyan) moved a resolution in the House of Commons to the following effect:—

“That in the opinion of this House the principle of open competition for first appointments which prevails in the Army and in most of the public departments should be extended to the Foreign Office and Diplomatic Service.”

In the course of an unanswerable plea for open competition, he said:—

“It is for them [our opponents] to show that the system of appointment which now prevails over nine-tenths of our service is faulty. It is for them to prove that the Indian civilians, the military officers, the departmental officials, whom we get now are inferior to those whom we got ten years ago. And if they fail in this, if, as I think, they repudiate the notion of entertaining so unwelcomed and unfounded an idea, then they will be under the necessity of pointing out what the special conditions in the Diplomatic Service are that should exempt it from a system which, for high reasons of public policy, has been introduced into almost every other department of state. And unless it can be shown with a clearness that I believe it to be impos-

sible to attain, that there is something special in the nature of the case which should forbid us to apply to diplomacy a system which is working excellently everywhere else, I shall confidently ask the House to assent to this Resolution."

The Resolution was lost by a majority of 47 votes, the Chancellor of the Exchequer (Sir Stafford Northcote) having refused to accept it.

The necessity of getting the best men for the Government service is well emphasized by Carlyle:—

"Let us brush the cobwebs from our eyes; let us bid the inane traditions be silent for a moment; and ask ourselves like men dreadfully intent on having it *done*—

'By what method or methods can the able man from every rank of life be gathered as diamond grains from the general mass of sand; the able men, not the shamable, and set to do the work of governing, contriving, administering and guiding for us?' It is the question of questions. All that Democracy ever meant lies there; the attainment of a truer and truer Aristocracy or Government again by the Best."¹

In and before Lord Clarendon's day, 1853 to 1855, there was no examination at all for the Diplomatic Service. He simply appointed suitable persons. "In general, the applications were from persons who were what is, in common parlance, called the upper ranks of society, persons who could afford to give their sons the necessary income while they remained unpaid attachés at a foreign Court."

In 1862 a qualifying examination was introduced for candidates who had been nominated.

In 1872 a University degree exempted the candidate from a great part of the examination, but the Royal Commission of the previous year were opposed to open

¹ T. Carlyle, "Latter-day Pamphlets."

competition, though they had considered it. In 1880 the examination was made competitive.

The Ridley Commission of 1886, while condemning the income qualification, made no provision for its abolition, and made no suggestion with regard to the examination.

In 1907, under the auspices of Sir Charles Hardinge (now Lord Hardinge), a step forward was taken by abolishing the special examination, which was found to lend itself to cramming, and partially assimilating the conditions of examination to those of the Class I Examination of the Civil Service.

Now, the 1914 Commission have boldly faced the facts, and have recommended that the income test be abolished, and open competition—i.e. the Class I Examination of the Civil Service—adopted.

Step by step, therefore, the barriers have been broken down in the natural course of development of the democratic spirit.

In 1907 a Board of Selection was set up to reduce arbitrariness and the uncertainty attaching to nomination. It is now proposed to abolish nomination altogether, and to enlarge the Board of Selection. An important reservation by five members of the Commission,¹ however, stipulates that candidates should undergo examination *before* they submit themselves to the Board; otherwise exclusive notions as to the unsuitability of candidates may again prevail. The existence of the Board without the preliminary nomination is in no way objectionable, because it is clear that men who may be called upon to represent this country abroad have a different class of work from those whose life is spent in a Government office. But should a candidate who has passed the examination be

¹ See Appendix IV, p. 185.

obviously unsuited for such work, he could always be transferred to another branch of the Civil Service if the suggestion of the five members of the Commission were adopted.

The Royal Commission have made a number of other proposals with regard to pay, promotion, and organization, which help to make the three main points—abolition of the income test, open competition, and amalgamation—practicable.

But recommendations of a Royal Commission are one thing, the acceptance and adoption of those recommendations quite another. Before now, reports of Royal Commissions, having made a little stir and provoked a certain amount of discussion, have given the general public the impression that something has been done. Meanwhile the report is relegated to the dusty shelves of the department, and nothing is done.

It happens in this case, however, that these proposals come at a moment when people are wondering whether the service in whose hands rests the exclusive management of intercourse with foreign nations is organized on businesslike and efficient lines, whether the best capacity available is utilized, and whether there may not be a certain amount of unavoidable bungling and mismanagement. Let them read the report, and let them recognize how closely it concerns them to see that reforms are fully and speedily carried out.

CHAPTER VII

PARLIAMENTARY REFORMS

SO far I have dealt with the broader and more general arguments relating to the efficacy of democratic control. The conviction as to its desirability is far more widespread than is generally supposed. But the whole question will remain academic, and be dismissed as merely theoretic, unless specific proposals are formulated showing how, in actual practice, this necessary extension of the legitimate rights of the democracy can be effected. Practical proposals must therefore be considered for informing the House of Commons, and through it the country, and for instituting some sort of representative controlling power over the Foreign Secretary, taking the Constitution as it exists at the present moment.

- I. The Foreign Office Vote should be discussed annually in the House of Commons as a matter of regular procedure. This discussion should occupy at least two days. On the first the Foreign Secretary would make a statement of policy and give a broad survey of the whole field. The second day would be devoted to detailed points and special questions of current interest.

The arrangement of business, and the allocation of

time for discussion in the House of Commons, rests with the Government. In deciding which Votes in Supply shall be taken they consult with, and defer to, the wishes of the Leader of the Opposition, or on special subjects they may concede a day on the request of the Irish Party or Labour Party. The Navy Vote and the Army Vote are automatically and regularly given full time—that is to say, days for general discussion as well as for detailed discussion. The Foreign Office Vote should be treated in the same way. Latterly, a debate has taken place on the Committee of Imperial Defence, but this is utilized as a further opportunity for discussing military and naval problems, and as, ostensibly, the Committee is not by way of controlling policy, it is difficult to bring questions of foreign relations within the range of order.

The opportunities for raising questions concerned with foreign affairs are, at present, as follows:—

1. The Foreign Office Vote (if it is taken). This rarely means more than one day.
2. The Appropriation Bill, which is an omnibus discussion. Any reference to foreign affairs will be sandwiched in between speeches on a multitude of other subjects, and will receive very little attention.
3. The motion for adjournment—
 - (a) On the adjournment for the Easter and Whitsun recess.

This again is a general debate on any subjects which Members desire to raise, or very often most of the time is confined to some special controversial subject raised by the official Opposition.

- (b) The half-hour on the adjournment of the

debate every day. There is only time for one speech and a reply. It is useful, but constitutes only a more elaborate method of question and answer.

4. A private Member's motion. Half a day's debate is obtained by ballot. Some hundreds of Members enter for the ballot, and only half a dozen or so are successful. A general question, but not a special point, can be raised in this way, provided the Member interested in foreign affairs is fortunate enough to get a place. During several periods in recent years the Government from pressure of business have appropriated private Members' time.

Since the death of Lord Percy there has been no one on the Front Opposition Bench in the Commons, with the exception of Mr. Balfour, who has any special knowledge of foreign affairs, or any experience of foreign administration, although on the back benches there have been several Members with both knowledge and experience. The Opposition have been in general agreement with the foreign policy of the Government, and the doctrine of the continuity of foreign policy and its non-party character has been elaborated. The result has been that, of all subjects of public interest, foreign affairs have been the least discussed.

It is the first essential that, whether there is agreement or disagreement between the parties as to policy, the House and the country should have full information of what that policy is, and this can only be done by imposing on the Foreign Secretary a constitutional obligation to give a full survey, annually, of the whole field of foreign affairs.

II. No treaty should be drawn up with any foreign country without parliamentary sanction being given to its clauses in particular as well as to its formal ratification.

According to the Constitution the treaty-making power rests nominally with the Crown, and has been delegated, with other royal prerogatives, to the Executive—i.e. to the Cabinet.

The following extract from a speech by Sir Edward Grey shows the practice and gives his opinion :—

"I have never personally had a very strong feeling myself about the question of whether treaties when actually signed—treaties of a certain kind—should be submitted to Parliament before they were ratified or not, but it has not been a constitutional practice. It means a great alteration in the Constitution. I have gone out of my way once or twice to say that with regard to certain things which seemed to me of unusual character, such as a general arbitration treaty, I would take care that it was brought before the House for discussion before it was finally concluded, but in doing so I was departing really from constitutional precedents, and I can only say that if a definite change of that sort in the Constitution is to be made it is one which must be discussed, not as a purely departmental matter but as one which the House, and the Government of the day, must really discuss on its merits."¹

Here is a real opportunity for control. It is impossible that any one who places the smallest confidence in democratic government can argue that solemn and binding agreements between nations should be drawn up, signed, and ratified without the knowledge or sanction of Parliament. As Bagehot says : "Treaties are

¹ House of Commons Debate, June 29, 1914.

quite as important as most laws, and to require the elaborate assent of representatives to every word of the law, and not to consult them even on the essence of the treaty, is *prima facie* ludicrous."

To give a recent instance: In August 1907 the Anglo-Russian Convention was drawn up—a treaty of the very first importance. Yet it was not till February 1908 that any opportunity was found to discuss it in the House of Commons. Discussion then was futile, as the engagement was an accomplished fact and no amount of criticism could alter it. There was a great deal of ignorance too as to what it really involved. The occasion for submitting treaties to Parliament would be the opportunity for giving information, and in this way the country would obtain some definite notion of our international obligations.

Mr. Gladstone, during the Midlothian campaign, referred to this point more than once. Speaking at Perth on December 1, 1879, he said:—

"It [the treaty-making power] is so large that at various times it has attracted the jealousy of patriotic men, and attempts have been made in Parliament to limit the action of that power by requiring that treaties should be submitted to Parliament before they are finally concluded (cheers). I do not wonder for a moment that you are disposed to receive with some favour a suggestion of that kind. The objections to that suggestion are not objections of principle. In principle I cannot say it would be unsound. They are objections entirely, in my opinion, of practice, and they come to this, that the nature of negotiations with foreign States is frequently so complicated and so delicate that it hardly can be carried on except by a single agency concentrated like the agency of Ministers, and that agency invested with the exercise of a large discretion."

His general argument was that the treaty-making power had been abused by the Conservative Government in the particular case to which he referred (the Anglo-Turkish Convention), and that in concluding the Convention they had acted "in defiance and in breach of the spirit of that prerogative." He claimed that the Executive, "without formal communication with Parliament or the people, ought to be able truly to express their convictions." This, undoubtedly, was a very weak point in his contention. Any Government can say it represents the views of the people, and any Opposition can deny it. The only way to get any real security is to base the treaty on a formal parliamentary approval. The negotiation stage need not be carried on openly. The two important stages are the intention and the decision. The first can be contained in the Foreign Secretary's statement of policy, the second by the submission of the treaty itself.

The full discussion of the clauses of a treaty in a Committee of the whole House, with opportunities for detailed amendment, would be impracticable. A more convenient procedure would be a motion to remit it to the Government with instructions for amendment if the House so desired. The sanction for the treaty, also, should be enforced by something more than a bare majority vote. So important a decision should not be left to a small party majority in a more or less evenly divided House.

In the United States the consent of two-thirds of the Senate is necessary before the President can conclude a treaty.

Once the principle is admitted that treaties must be submitted to, and sanctioned by, Parliament, a suitable procedure will easily be found to carry out this object.

A further important stipulation with regard to treaties will be dealt with in a separate chapter.¹

III. No agreement, alliance, or commitment with any foreign Power should be entered upon without the express consent of Parliament.

This covers secret treaties which may never be disclosed, or secret clauses to treaties, such as the secret articles attached to the public Declaration between the United Kingdom and France with regard to Morocco of 1904. (They were published for the first time in 1911, and they practically vitiated the whole spirit of the original agreement.) It also includes undertakings between nations formulated and agreed upon by secret diplomatic arrangement. These commitments may involve, in certain circumstances, grave national obligations. When the circumstances arise, the country may find itself compelled to take action without the public mind being in any way prepared for such a contingency. A definite treaty of alliance is a formal document, the contents of which must sooner or later become known, and which is binding in a precise and definite degree. A mere arrangement, undefined and general in its terms, may be just as binding, and the obligation of honour just as strong, without there being any signed document. There is nothing in the whole range of diplomatic negotiation so dangerous and so fraught with critical consequences, and nothing which can be so easily engineered without the knowledge of any one except the negotiators immediately concerned. Over such transactions as these there should be direct parliamentary control, so that any such commitments,

¹ See Chap. IX.

concluded without parliamentary approval, could be repudiated as invalid.

It would also be well to consider whether, as in France, the Government should not be bound to have the express authorization of Parliament for any cession, exchange, or acquisition of territory.

IV. War should not be declared without the consent of Parliament.

The right to declare war rests with the Executive. They may take the step without consultation with Parliament. Even though they possess this absolute power it is unlikely that they would exercise it without some warning being given to Parliament. In the process of constitutional development this prerogative of the Sovereign has been delegated to the Cabinet, and it is only one step farther that it should pass into the control of Parliament.

It may be objected that the declaration of war is an executive act, which may, for strategic reasons, have to be taken at a moment's notice, or, according to some authorities, not taken at all.

"The necessity of a declaration of war is only a modern illusion. During the last two centuries we have less than ten cases where declarations have been issued prior to the regular commencement of hostilities, though in one form or another war already existed. During this same period of time we have 111 cases where war was begun without any notification.

"No nation has followed more persistently than the English this principle of making war without prior declaration. They have done so, as have others, because the initiation of a conflict constitutes the

most essential principle of warfare. During the former century there are recorded forty-seven wars begun without any prior declaration, while in the nineteenth century eighty wars were begun without any prior declaration."¹

If this is accurate it shows how necessary it is that some sort of check should be interposed. If the people are going to have any say in the matter at all, their sanction of a declaration of war, the most critical of all junctures, when their assistance is to be called in and sacrifices are to be demanded of them, would seem to be absolutely imperative.

The fatal consequences of precipitate action in the last stages of diplomatic negotiation before the outbreak of war is, in spite of what the extreme militarists would have us believe, one of the great dangers to be avoided in the future. Where a period of delay might have the effect of cooling the heated atmosphere, and calming troubled minds, an impulsive act on the part of an uncontrolled Executive commits a whole nation, without forethought or reflection, to irrevocable action. But it is not with a view of establishing a period of delay that this proposal is made, for Parliament can be consulted in the course of a day. It may also be said that the statement of the case by the Government would always be of such a character as to secure the almost unanimous approval of the House. This may be true with the House in its present state of ignorance. But we are presupposing an informed House, fully cognizant of the events and policy which led to the crisis. If it supports the Government, well and good. If a powerful minority protest, it is essential that they should be heard. Even if a small minority of dissentients appear their protest should not be stifled. In

¹ "The Day of the Saxon," by Homer Lea.

any case, the gravest executive step a Government can possibly take should not be consummated without full parliamentary approval.

V. It should be the recognized duty of a Foreign Secretary to make periodical pronouncements in the country on foreign affairs, more especially when Parliament is not sitting. The people should be taken into his confidence and should be instructed, instead of, as at present, being kept in ignorance, and mystified by his silence.

This cannot be insisted upon in the same way as the former proposals. In the late nineteenth century platform speeches on foreign affairs were common enough. This, no doubt, was due more to party differences than to any express intention of educating the masses. But, incidentally, the people were far better informed than they are now. A Foreign Secretary who commands the confidence of all parties may be greatly tempted to remain silent. Meanwhile ignorance, tempered by false report, prevails, and when he requires the support of the country in his intended action it is either not forthcoming or it has to be roused by passionate appeals at the eleventh hour.

Even those who believe, I think unjustifiably, that the sentiments of the people are at bottom bellicose, would wish that their animosity and desire for war should have some sort of intelligent and rational basis.

However many speeches a Foreign Secretary made, he might still conceal what he did not wish to state. Nothing can prevent this. If he insists on keeping his own counsel and making important decisions without consultation, it might conceivably be possible for him at times to take such a course. But it would be very much

more difficult for him to do so if all these reforms were carried out. He would eventually be forced into the open and his attempted concealment would be exposed. If Parliament had sanctioned these reforms, a Minister deliberately acting in this way would not retain office for long. If, on the other hand, he desires to be safeguarded and fortified by popular opinion, he will be able to find and make opportunities for admitting the people into his confidence and testing the opinion of those who have empowered him to act as their spokesman in the council of nations.

The present position of a British Foreign Secretary is, in actual fact, more completely autocratic than that of Foreign Ministers in most other countries, even in those whose Government is, for all practical purposes, an autocracy. The latter either have Councils of Ministers, Foreign Affairs Committees, Chancellors, or Sovereigns who have close knowledge of international politics and who exercise considerable influence. In our own case there are, at the present time, no checks whatever, either ministerial, parliamentary, or royal, because these authorities are not possessed of any accurate or extensive knowledge of the intricacies of European diplomacy.

In order to bring the Cabinet itself into closer touch with the one Minister who is placed in this position of exceptional responsibility, it might be advisable to set up a permanent Cabinet Committee on foreign affairs, for consultative purposes. The object should be to prevent the isolation, in any circumstances, of the Secretary of State and his department. They should be linked to the Cabinet, linked to the House of Commons, and linked to the country, not merely at their discretion but by constitutional regulation.

Parliamentary questions would remain as a very useful method of interrogating the Executive, and

would become an opportunity for eliciting information which would be more intelligently utilized by members who were better informed. Blue Books and White Papers should be published automatically, more speedily, and without the special, and, as often happens now, the repeated request of the Legislature.

The much talked of Foreign Affairs Committee must be dealt with in a separate chapter.

CHAPTER VIII

A FOREIGN AFFAIRS COMMITTEE

WITH a view to establishing some sort of control over the supreme power of the Foreign Secretary, and in order to create in Parliament a body of informed opinion, the advisability of instituting a Foreign Affairs Committee has often been discussed. The idea is theoretically sound, but everything depends on the constitution and powers of such a Committee. No very clear suggestion has been made, or rather there has been a variety of opinion, on the precise nature of the project. The question has never been fully faced, and it will be as well to examine it in all its bearings.

At the outset we may dismiss as impracticable, as well as inadvisable, a small Council participating in the work of administration and sharing the responsibility of the Secretary of State, on the lines of the Board of Admiralty or Army Council. So far as his executive acts go, the Foreign Secretary must have personal and individual responsibility, shared only by the Cabinet in the sense that ministerial responsibility involves corporate Cabinet responsibility under our Constitution. The idea, which some may favour, of a Minister being dismissible by an adverse vote in the House of Commons while his colleagues retain office, may have certain advantages ; but as it involves the complete destruction of Cabinet solidarity and governmental co-operation in

matters of policy, it entails too great a change in our present constitutional system to come within the range of practical discussion at present.

The opponents of the party system also favour a fixed term for the duration of Parliaments—that is to say, the withdrawal of the power of dissolution from the Sovereign on the advice of the Executive. Without this, they maintain, the complete freedom of the House of Commons cannot be secured; for in present circumstances the fear of dissolution prevents Members from giving a free and unfettered vote on each question that comes before them. The group system, as opposed to the party system, also has many disadvantages, and it is improbable that in the near future such drastic changes as they propose will be effected. If public attention is to be diverted into the consideration of these very comprehensive constitutional changes which affect the whole business of Parliament, the specific point of parliamentary control of foreign affairs will be completely lost sight of.

For our present purpose, therefore, it will be advisable to accept the Constitution more or less as it stands, modifying it in some directions and attempting reforms by way of a procedure.

The Committee, then, should neither be advisory nor consultative, but deliberative. If deliberative, it must be representative. This will rule out a departmental Committee of experts specially selected for their knowledge and experience of foreign affairs—ex-diplomatists, ex-Civil Servants and administrators. Experts are the last people to be trusted where matters of principle and broad policy are involved. They seldom have imagination enough to see beyond the bounds of their own narrow specialization.

The advocates of Imperial Federation may be

attracted by the idea of an Imperial Cabinet on which representatives of the Dominion have a voice in the shaping of Imperial policy. It is unnecessary to pronounce any opinion on such a plan. It is sufficient to say that it would not meet the particular difficulty we are coping with. So far from increasing, it might even decrease, the power of control of the people of Great Britain through their parliamentary representatives. Our European policy might have to be modified and adjusted to meet the views of Canada and Australia, but there would still be no means of bringing it into complete harmony with the express wishes of the people of the United Kingdom.

If it is to be representative, therefore, the Committee must be parliamentary. The further question as to whether it should be a Commons Committee, or a Committee of the two Houses, depends to some extent on the eventual constitution of the Second Chamber. There might be advantages in a joint Committee, but, with the Foreign Secretary in the House of Commons, where he should rightly be, it will perhaps be best to concentrate our attention on a purely House of Commons Committee. The Lords might have their own Committee, and with the special facilities their procedure gives them for interpellation they might become a useful instrument in the process of eliciting information. Their unrepresentative character prevents them, however, from contributing in any degree towards the desired object of democratic control.

By this process of elimination we have now brought it down to a House of Commons deliberative Committee, and the last point to be settled with regard to its constitution is whether it should be a Select or a Standing Committee—that is to say, a Committee of from fifteen to twenty Members or one very much larger.

Both are chosen in proportion to the numerical strength of the various parties in the House. But in the case of a Select Committee the names are submitted to the House; in the case of a Standing Committee the names are chosen by the Committee of Selection. In both cases pains are taken to make them representative. Apart from the fact that a Select Committee would be too small, the usual procedure of such a Committee by which witnesses are called and examined would be unsuitable. It should, therefore, be a Standing Committee rather smaller than is usual; of, say, not less than thirty and not more than fifty Members. By this means all sections of the House would be fully represented. It would be set up for the Session and sit periodically once a month at least, or more frequently should occasion demand. Papers would be asked for, and questions of foreign policy would be treated systematically and in detail, and they would be discussed at a time when discussion might still be of some use. Consular and commercial matters which now receive but scant attention could be followed and investigated.

Statements could be made by the Foreign Secretary or his representative, and, if any matter of moment and consequence were discussed, it would be within the power of the Committee to report to the House with a view to securing a full debate.

The existence of the Committee would not interfere in any way with the two days' debate on the Foreign Office Vote or with the obligation on the Secretary of State to submit treaties or important matters of policy to the House as a whole. The Committee would not encroach on the rights of the House of Commons, but would be a means of relieving it of the smaller points of detail, stimulating discussion, and

forming a large body of properly informed opinion in Parliament. Its meetings would be public as a rule. It might be worth considering whether the Foreign Minister might not utilize it for making confidential statements, in which case it would meet in private. The obvious disadvantage of such procedure is that it is impossible to keep some thirty or forty people under the seal of secrecy.

I may repeat again here that far too much emphasis is laid on secrecy. This dangerous tangle of mysterious secrets is to a large extent a fallacy, produced by exaggerated reticence which prevents the publication of quite ordinary facts and events. If negotiations have to be carried on privately, no Committee nor any individual Member desires to interfere. If secrecy is being observed over highly important national commitments, then without any manner of doubt that secrecy ought to be broken down. It would therefore appear that for the Committee to sit with closed doors would, as a rule, be unnecessary.

The objection that such a Committee might hamper our diplomacy by compelling Ministers to make a public statement at a time when no statement ought to be made can be answered thus: "The tendency of any Committee would far more likely be to give way to a Minister too much, than to endanger the public interest by trying to force his hand. The plea that it was against public policy to discuss in detail some urgent question would be just as powerful with Members in the Committee as it is to-day with Members in the House. The difference would be that there would at least be the opportunity for the Secretary of State to make a declaration as soon as he was in a position to do so, and that he would be brought into touch with public opinion in a way that

is nearly impossible now. A weak Secretary of State might find himself hampered; but a strong Minister would soon learn to make use of his Committee as a means of controlling his own department and getting his policy carried out. It would mean in the long run an increase of parliamentary as against bureaucratic control."¹ The Committee, in fact, might be as useful to the Foreign Secretary as to the House of Commons.

This gives the broad lines on which a Committee might work. Further consideration would have to be given to the details of procedure. The Committee would serve, not so much to control foreign policy as to inform the House, guide criticism, give Members an opportunity of closer contact with the Foreign Secretary and the Foreign Secretary occasion for keeping in touch with public opinion.

A full report of the treatment of international questions by foreign Parliaments is given in Appendix II, but it may be well here to refer briefly to the existence in some countries of Foreign Affairs Committees.

In France.—The General Budget Committee of the Chamber of Deputies, consisting of forty-four members, is nominated for one year. It examines and discusses, amongst other business, the yearly credits for the Foreign Department. Its report on foreign affairs, published towards the end of each year, is a valuable annual record of French policy.

In addition to this there is a Grand Committee, also composed of forty-four members, elected for the whole legislative period (four years), known as "*La Commission des Affaires extérieures et Coloniales.*" This Com-

¹ "The Control of Foreign Affairs," by Philip Morrell, M.P., *Contemporary Review*, November 1912.

mittee reports to the Chamber on all questions relating to foreign policy which are submitted to it, and may summon before it persons to give evidence.

There is no permanently constituted Committee of Foreign Affairs in the Senate.

In Germany.—The Budget Committee of the Reichstag consists of twenty-eight members, appointed by the various party leaders in the Reichstag. On the Committee stage of the Budget Bill the estimates for the separate departments are taken in succession, and there is usually a considerable debate on the Foreign Office. Confidential communications are made by the Imperial Chancellor, the Foreign Minister or, if necessary, by Foreign Office officials. In addition to estimates, questions of great public interest, especially in connection with foreign affairs, are occasionally referred to the Budget Committee. The Committee has not the right to send for persons, papers or records, but it can, and often does, ask the President of the Reichstag to do so. The proceedings are secret, but reports of the sittings are issued.

In the United States of America.—There are two Foreign Affairs Committees. That in the Senate is called the Committee on Foreign Relations, and consists of fifteen members, nine from the party of the majority and six from the minority. That in the House of Representatives is known as the Committee on Foreign Affairs, and consists of twenty-one members, fourteen from the majority and seven from the minority. As the Senate is a branch of the treaty-making power, the former Committee is much the more influential of the two. The Senate may discuss foreign affairs in what is called

“executive session.” From these sessions the public is excluded and the proceedings are confidential. In the House of Representatives all debates are open.

None of these Committees can be said by experience to be entirely satisfactory, either from the point of view of controlling the Executive or of informing the nation. It seems clear that the Representative House itself must be the controlling power, but a Committee, if properly devised, might be invaluable as an engine for extracting information.

Some attempt has been made among private Members on both sides of the House to form groups to study and watch foreign matters and decide on questions and subjects for debate. Owing to the indifference of Parliament there has been a tendency at times to resort to agitation outside. Balkan, Armenia, Persia, China, etc., committees have been formed, composed not only of Members of both Houses, but of men outside Parliament specially interested and well informed. Some of them have served a useful purpose and have even wielded a certain amount of influence. But in the face of the lack of interest displayed by the House as a whole, and the lack of opportunity for discussion, their efforts cannot be said to have amounted to very much.

Before concluding this chapter on a Foreign Affairs Committee—that is to say, on the organization of Parliamentary opinion on foreign policy, and the establishment of machinery to stimulate public interest in the most important of all national concerns—it will be well to listen to the argument of those who have little or no confidence in officialism, whether it be ministerial, departmental, governmental, or parliamentary. What do they say?

“ You, all of you, run in grooves. You may assimilate

and combine your grooves, but you will be dominated in the long run just the same by officialism, and your attempts at reading, interpreting, or expressing the opinion of the people will be ineffective and inaccurate. A Minister is hampered by the narrow, exclusive, one-sided manner in which matters are presented to him ; officials are hampered by the stale traditions under which their business is conducted ; Governments are hampered by party exigencies and domestic programmes ; Members are hampered by absorption in social questions, ignorance of foreign questions, and subservience to the caucus. You may invent new procedure, but you will not dispose of these drawbacks. What is wanted is a body *outside* Parliament that will express the opinion on international relations of the great national interests—a body on which Commerce, Finance, Labour and Industry, Religion and Education, and all other great activities would be represented, could express themselves, and could communicate freely with similar voices in foreign countries. By this means, and by this means alone, can Governments be controlled, can the interdependence of the interests of all nations be realized and strengthened, and the failures of official diplomacy prevented."

This is a fine ideal, but it is looking rather far into the future. Who can organize such a body in such a way as to give it real weight and authority? Democracy itself; but only when it has become a far more powerful and independent force than it is as yet. While, therefore, stronger and more efficient machinery is being evolved and invented, we must do what we can to utilize and strengthen the machinery we have.

The only way for those who desire to waste no time, but to achieve some step forward at the earliest possible

moment, is to work through Parliament. With all its faults, the House of Commons is perhaps the most democratic institution that exists. With faulty procedure, and perhaps too great a fondness for old traditions, it nevertheless constitutes a great open court in which national grievances can be aired, injustice may be remedied, and the full light of publicity concentrated on the country's needs.

The excessive power of the Executive, increased to an almost unlimited degree by the exigencies of warfare, will act, while it lasts, as a serious check on the progress of democracy and on the authority of representative institutions. The rehabilitation of popular government, therefore, will have to precede its further extension. But this damming of the natural stream of progressive political development is likely to result in its renewed and augmented force. It is sincerely to be hoped that by the vigour of its arrested energy it will not only sweep down the temporary barriers of reaction, but will flood out into new but natural channels from which it has too long been diverted.

CHAPTER IX

TREATY OBLIGATIONS

THE reforms and suggestions considered in the previous chapters are dependent for their execution on the will of Parliament and of the Executive which is responsible to it. They are, in fact, purely our own concern as a nation. There is a further step of an international character which would go far to strengthen parliamentary, and therefore popular, control over foreign affairs in each country, but it is a step which one nation cannot take alone. It concerns the duration of treaty obligations.

Treaties may be roughly classified with reference to their object as—

1. Political treaties of peace, of alliance, of cession, of guarantee, etc.
2. Commercial—consular and fishery conventions, slave trade, navigation, etc.:
3. Confederations for special social subjects—posts, telegraphs, weights and measures, etc.
4. Relating to criminal justice—extradition, etc.
5. Relating to civil justice—trade-marks, copyright.
6. Promulgating written rules of international law with reference to the conduct of warfare, etc.

The question of the duration of the obligation created by treaties is by no means fixed or determined. Of course a treaty lapses if the object-matter of the

agreement ceases to exist, if there is a full performance, or if there is denunciation by one party under a power reserved in the treaty.

In order to prevent any abuses in the repudiation of treaties, the London protocol of 1871 laid down "that it is an essential principle in the law of nations that no power can liberate itself from engagements of a treaty nor modify the stipulations thereof, unless with the consent of the contracting Powers by means of an amicable arrangement."

In spite of this, however, a clause *rebus sic stantiibus* is said to be a tacit condition in every treaty, and a total change of circumstances has been put forward or tacitly understood on many occasions, as the excuse or justification for the repudiation of a treaty, or of certain clauses of a treaty. Herein lies a very great danger to the stability of international agreements. The definition of change of circumstances sufficient to warrant repudiation will depend more likely on the state of international relations than on actual facts. Moreover, who is to be the judge of whether circumstances have changed?

Russia put forward the pretext of changed circumstances in justification of her repudiation of the clauses of the Treaty of Paris neutralizing the Black Sea, and of her engagements as to Batoum contained in the Treaty of Berlin.

Two instances of the failure to observe treaty obligations in which this country was concerned may be quoted. In 1852, by the Treaty of London, the Powers, including Great Britain, acknowledged "as permanent the principle of the integrity of the Danish Monarchy," and entered into an agreement with regard to the succession of the Crown of Denmark, which they declared "would be the best means of securing the integrity of

that Monarchy." Yet in 1864, when the provinces of Schleswig-Holstein were seized by Prussia and Austria, Great Britain left Denmark to her fate, and the "permanent principle" of integrity was conveniently forgotten.

Again in 1856, by the Treaty of Paris, the Powers engaged to respect the independence and integrity of the Ottoman Empire, all guaranteeing in common the strict observance of this engagement, and promising to consider any act tending to its violation as a question of general interest. Subsequent events in 1878 showed that the terms of the treaty were a sham. "All was hollow, all based on fiction and convention. . . . If the Power which called man into his moment of life could smile at the efforts and the assumptions of its creature, such smile might have been moved by the assembly of statesmen who, at the close of the Crimean War, affected to shape the future of Eastern Europe."¹ This is the comment of history on the attempts of statesmen to bind their countries for all time to discharge obligations undertaken, at a moment of pressure, as a means of patching up a peace.

A more recent and a very interesting instance of the use of this argument of changed circumstances will be found in the attitude adopted by an influential section of the British Press and by certain writers in 1887, when the passage over Belgium of German and French troops was contemplated, owing to the very strained relations that existed between those two countries at that time. It was argued that, all the military approaches between the two countries being closed, only the neutral approaches were open, and that this state of affairs had arisen since the treaty guaranteeing the neutrality of Belgium; it was therefore the proper course for Great Britain to allow the passage of troops over the

neutral territory, provided the sovereignty and independence of Belgium were respected. If there was any truth in the argument, then it was a great deal more plausible in 1914. But it was not used in the latter instance simply because our relations to the Powers in question had undergone a change.

It is clear, then, that expediency is what governs chiefly the actions of nations, or rather of their Governments, an expediency which at the moment may present itself as a matter of life or death. "Changed circumstances" may be used as a pretext, but it is very unlikely to be accepted by other interested parties as a justification, unless they too are anxious to fall back on the same excuse.

Other instances might be given of breaches of treaty obligation—breaches which have led to a rupture of relations and to war, breaches which have called forth diplomatic protest, and breaches which have been silently ignored. It is a mistake to suppose that the nation responsible for the breach, however inexcusable its action may appear to other nations, necessarily acts from dishonourable and aggressive motives. It may so act because it believes that the national danger arising from the strict observance, may outbalance the evil involved in the violation, of an international agreement. The dilemma in which a nation is placed in these circumstances may arise from the fact that in the critical negotiation of a peace settlement, or in a desire to meet special conditions on a given occasion, Governments bind their countries for all time without considering whether future generations, in completely altered circumstances, may not find observance greatly to their disadvantage, while infraction may appear wholly justifiable. As John Stuart Mill puts it: "Nations cannot rightfully bind themselves or others beyond a period to which

human foresight can be presumed to extend; thus aggravating the danger which to some extent always exists, that the fulfilment of the obligation may by change of circumstances become either wrong or unwise."¹

The repudiation of a treaty, therefore, need not be an example of a low standard of national morality or governmental morality. Even in the case of individuals, whose standard of morality may be said to be higher, we should hardly blame a man for repudiating a pledge made by his great-grandfather, even though his father and grandfather had considered themselves bound to observe it.

Nevertheless, it is of the highest importance that international agreements should be sacred, and their observance should be a matter of national honour. In order to secure this object these instruments should not be allowed to become dusty documents lying forgotten in the official archives, but real, binding, living obligations of which the people, as well as the Governments, have clear knowledge.

No treaty should, therefore, be made binding beyond a defined period, say ten years, at the end of which it would come up for review, either to be renewed or revised or abandoned. If, combined with this, every treaty has to have the sanction of Parliament, a very suitable opportunity would be created for gaining knowledge of the precise nature of our international commitments, and, at the same time, for exercising some control over them.

The various arbitration treaties made during the last two years with foreign countries are all concluded for a period of five years from the date of ratification, and some have been renewed for a further term of five

¹ John Stuart Mill: "Dissertation and Discussions," vol. iv.

years. Other treaties, like the Anglo-Japanese Treaty have been terminable within a fixed period.

But the first category of treaties mentioned above is the class of engagement about which it is most necessary that the nation should be fully informed, and which should therefore be made binding in the first instance for a defined period. Political treaties of alliance or guarantee may, and very often do, involve an obligation in certain circumstances to intervene with force of arms, and it is precisely this form of obligation which should be openly avowed, and of which the limits and conditions should be thoroughly understood. It is sincerely to be hoped that corporate action of all the Powers in future will take the place of sectional engagements among groups. But in any case it would be a gain if the nation had clearly before it in black and white the extent to which, and the occasions on which, it might be called upon to take action.

In the case of other treaties, their submission to Parliament need be nothing more than a formality, just giving the opportunity for criticism, or for a request for information.

There are two methods of procedure which might be adopted. The expiring treaty could be laid upon the table of the House for a period, like administrative orders and regulations which "are presented to both Houses, in pursuance of the Acts of Parliament, which come into operation unless disapproved of by either House within a certain number of days. . . . The method by which Parliament signifies disapproval or proposes alterations of these orders and regulations must, unless otherwise directed by statute, be signified in the form of an address to his Majesty."¹ It would be a useful function of a Foreign Affairs Com-

¹ Erskine May, p. 514.

mittee to watch and consider the treaties as they were laid.

The alternative would be the procedure under the Expiring Laws Continuance Bill, a measure which comprises all laws that require annual renewal. This would give a sure opportunity for debate in the House.

We are now a party to a very large number of treaties. Any such regulation and agreement between nations as proposed above could not be made retrospective. Parliament would, therefore, be dealing only with future engagements as they arose.

As to the past, if Parliament is at last going to be induced to take foreign affairs seriously, it would certainly seem necessary for it to ascertain, with regard to the network of already existing treaty engagements, what is the exact nature of the obligations based on treaties some of which are centuries old.

The natural inclination of a Government is not to raise awkward questions, for fear of precipitating a crisis by their discussion. It may be difficult also to know whether and when to take the initiative. But a refusal to face the difficulty, and to clear the air with regard to some possible change of attitude as to a treaty obligation on the part of one of the signatories, will be paid for in the long run by the outbreak of a serious controversy, probably leading to war. The periodic revision of treaties would obviate this danger by providing a fixed opportunity, and the discussion of the most delicate point would arise in the natural course of proceedings.

The vast majority of treaties between nations are observed, and although international law rests only on consent, usage, and moral obligations, its binding force is very generally recognized. There is therefore no need to despair of international morality. But even if ninety-

nine treaties were kept, it is the breach of the hundredth that brings all the trouble and leads to war. If we believe that failure to observe a solemn compact is due to an inherent wickedness and lack of moral sense in any particular nation, then the only way out would be for the righteous nations to make a holy league against the unrighteous. But in the matter of the strict observance of treaties at all times and in all circumstances, what nation can claim for itself a spotless righteousness?

If, however, we are inclined to believe that the cause of trouble lies more in a faulty method than in an evil intention, if we see that important compacts between nations are made binding for all time, sometimes secretly without the knowledge of the people, and always without the sanction of the people's representatives, then we may legitimately hope that a more businesslike method, an abandonment of the old slipshod traditions of diplomacy, and the participation of the people in the conclusion and revision of contracts which intimately concern them, will prevent in the future these failures which are so fatal in their consequences.

In view of the fresh international engagements which are certain to result from the conclusions of the Peace Congress, the parliamentary approval and the periodic renewal of treaties are subjects of the most urgent moment.

The establishment of an abiding reverence for the sanctity of international obligations, and greater security for their observance, most essential and vital objects in themselves, will not be achieved by mutual recrimination over a particular breach of a treaty, however flagrant, or by pretending that such breach is without parallel and without precedent. But by a more open

and frank, a more practical and businesslike dealing between nations in their intercourse, and by the adoption of a method which will make the peoples themselves in each succeeding generation aware of the nature of their honourable engagements, a far more reliable and stable relationship between States can be secured.

One of the most noticeable consequences of secret and unrepresentative diplomacy is the ephemeral and capricious nature of alliances and even good relations between nations. An ally of one generation often becomes an enemy in the next. This must continue so long as engagements are made only by Governments and statesmen who pass away. The remedy lies in converting these transitory agreements into lasting bonds made and renewed by the peoples themselves, united in a common purpose and serving a common interest.

CHAPTER X

THE RESPONSIBILITY OF DEMOCRACY

LET us now see how the foreign policy which preceded the war would have been affected had the system of democratic control proposed in the previous chapters been in force.

To begin with, there would have been frequent and important discussions on the Government policy of maintaining the balance of power. The consequences of such a policy would have been made clear, and a very considerable body of public opinion would have made sufficiently damaging criticism to modify it. The Belgian Treaty of 1839 would have been renewed within the last ten years or so, and there would have been no doubt whatever in the public mind, or in the minds of European Governments, that the infringement of that treaty by any other power would have meant immediate action on the part of Great Britain. It is unlikely also, in these circumstances, that there would have been any disposition on the part of any of the other signatory Powers to violate a neutrality that had been so recently guaranteed.

Further, our commitments to France, both in regard to Morocco and in respect of the naval and military conversations, would have been openly sanctioned or openly repudiated by Parliament. It is not too much to say that had these conditions of perfect frankness,

openness, and publicity prevailed, the chances of war would have been very greatly diminished, if not removed altogether.

The suggestions made in the foregoing pages are neither revolutionary nor very drastic. They depend, to a large extent, on the acceptance by the Executive of the principle of democratic control. Some of the proposals would require a mere adjustment of House of Commons procedure, others the alteration of departmental administration with Treasury approval. The parliamentary sanction for treaties alone might need legislation, as it entails a change in the constitutional practice. The restriction of the period for the duration of treaties would necessitate international agreement between the contracting parties, but the insertion of a clause in the treaty, providing in all cases for its revision after a fixed period, is only an extension of what is already, in certain cases, the practice among nations. There is no difficulty, therefore, in the practical execution of the necessary reforms which have a unity of purpose and are interdependent. Where there is a will there is a way. The question is how to create the will.

The Executive can be influenced by pressure from the Legislature, and parliamentary representatives can be stimulated by popular opinion. But the House of Commons itself is not only the instrument for the exercise of control, but the agency through which alone any change of system can be brought about.

The House of Commons has always been the object of abuse and disparagement. When it was an aristocratic preserve it was abused by the masses; now that it is a democratic assembly it is abused indiscriminately by every one who has a grievance, more especially by the aristocracy. Nevertheless, with all its faults, "the

great scene of debate, the great engine of popular instruction and political controversy, is the legislative assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the best means yet known of arousing, enlightening, and teaching a people."¹

The Executive have neither individually nor collectively expressed any desire for a change in the present arrangement with regard to foreign affairs. They would be reluctant to lose their uncontrolled powers. They belong to that category of persons who do not believe a different system to be practicable; and although they are, for the time being, Liberals, many of them would probably confess that it was not even desirable; and that, whatever mistakes may have been made in the policy pursued before this war or before any other war, no difference whatever would have resulted if the people had been informed and consulted. In this opinion they will be strongly backed and encouraged by the permanent officials. But neither they nor any other opponents of reform can satisfactorily answer the question: What objection is there to the people being informed of matters which may at any moment develop into a national crisis, in which many of them will be called upon to sacrifice their lives and all of them to suffer great hardships and to pay heavily?

It is often said that even the machinery that exists already in the House of Commons is not utilized, and it is asked whether more elaborate machinery, more opportunities, better procedure, and the establishment of any sort of Committee, would make any appreciable difference. There is some truth in the criticism that the House of Commons does not approach foreign questions with anything like the same interest and

¹ W. Bagehot, "The English Constitution."

eagerness as it does other business of minor importance. But this is largely due to a sense of impotence and a consciousness of ignorance. Opportunities are wasted occasionally because so few consider it worth while to attempt to elicit information or to initiate debate. The people, too, are to blame for their acquiescence in being kept uninformed. Not only have they been ignorant, but many have been ignorant of their own ignorance.

Had it not been for the great convulsion which has shaken the very foundations of international society, things, no doubt, would have drifted on for years as they are: the close relationship between the welfare of every citizen and the policy pursued by the State with regard to its external relations would not have been so vividly apparent, and those who prefer to have secrecy and exclusiveness in diplomacy, and to leave the people voiceless and uninformed, might have continued to have their way. Even after the wildest scare people are far too ready to relapse back into indolence and to leave the conduct of affairs in the hands of the traditional recognized authority, whoever he or they may be.

But a war, and such a war as this, is no ordinary event. Even the most unimaginative have received a shock. Many have begun to ask questions they have never thought of asking before, and one of the conclusions they have come to is: "We do not know enough about the origins, the causes, and the policy which have led to this unprecedented catastrophe; we have been told nothing; we received no warning; we are ready to defend our country when it is in danger and our brothers and sons are sacrificing their lives by the thousand; we believe, what we are now told, that Germany is responsible and that Germany wanted war; but we want to know whether it was inevitable that we should give Germany what she wanted; is Europe

always to be at the mercy of a powerful nation which pursues an aggressive policy? We cannot tolerate any longer being kept in the dark and being left powerless with regard to questions of such paramount importance."

Those who do not question the obvious and flagrant guilt of Germany, and those who have grave misgivings as to the policy pursued by our own Government during the last few years, are at one in asking for information and instruction. But information will inevitably lead to control. That is why it is withheld.

What exactly are the forces which do actually control foreign affairs? There is no particular fixity of purpose which would justify the excuse of continuity of policy and the necessity of adhering to a consistent line of action. British foreign policy can hardly be said to have been guided by a traditional intention; it has generally been opportunist. There would be considerable difficulty in tracing all the causes, even if they were publicly known, which periodically convert an ally into a rival and a rival into an ally.

The Foreign Secretary, if he is of the Bismarck, Metternich, Palmerston type will carry out his own plans and stamp the whole national policy with the mark of his own personality. Otherwise, although he has sole responsibility for adopting a particular line of policy, he will be largely influenced by his chief permanent officials, amongst whom may be found from time to time an ex-Ambassador, whose opinion is coloured, not by any knowledge of the feelings of his countrymen, with whom he has had little opportunity of associating, but by the ambitions and designs of the Court and Government to which he has recently been accredited.

The Cabinet, except in crises, can exercise no very appreciable influence. Individual Ministers, however,

may, from time to time, take it upon themselves to make an excursion into the realm of foreign affairs, and deliver speeches which are neither tactful nor discreet, much, no doubt, to the annoyance of the Foreign Minister, the exasperation of the officials, and the further bewilderment of the people. If the Committee of Imperial Defence, with its undefined powers, interferes, its interference will be based on military reasons without any regard for principle.

But there are also outside influences of considerable importance, though very far removed from being popular or democratic. The Press exercises its peculiar form of pressure more over public opinion than over policy, and it pretends, moreover, to represent public opinion. It publishes its own information, sometimes more or less accurate, sometimes quite inaccurate, but never representing the whole truth. It often pretends to represent a general opinion, which is, in reality, the individual opinion of a leader-writer, or the arranged opinion of the syndicate which controls a group of newspapers. The result is a chaotic mixture of fact and fiction, of ignorance and pretended knowledge, and if the official world think that through the Press they obtain any insight into the views of the people, they are as mistaken as the people are if they consider that through the Press they gain any trustworthy knowledge of foreign affairs.

But there is a great outside force operating behind the scenes, with endless ramifications and untraceable international links, working, not for the public good but for the immediate interests of particular individuals. No one can gauge to what extent the direction of policy is dependent on the almighty power of finance. No one can properly estimate the part the investor, the shareholder, the company director, the international syndicate play in forming and transforming diplomacy.

The financier is able to conceal his methods under all sorts of disguises. He can control a section of the Press, he can start the cry of "British interests at stake," he can pose as a disinterested patriot, or he can come forward as the expert adviser ready to re-organize the finances of some decaying State, and to negotiate loans. "The same primitive forces of greed which in earlier centuries inspired conquests and negotiations are still strong enough to grip diplomacy,"¹ and we may add, to pile up the expenditure on armaments.

The vigilance of a Foreign Affairs Committee could do much to expose, if not to control, the hidden activities of finance. Whenever democracy can assert itself effectively, it will find here one of its most formidable rivals.

But it is not only a change of method, a change of procedure, or even a change of policy that is wanted; laws and regulations are all very well, but they may easily remain a dead letter if there is no spirit and moral impulse behind them. It is no good the people waiting while a few enthusiastic individuals make attempts—most probably futile attempts—to secure an alteration here or a reform there. They have something more to do than just to watch the course of events with folded hands. They must have learned that knowledge is the mainspring of power, and, while they may complain that they have been kept ignorant, it must be admitted also that they have done very little to educate themselves. Education is the keynote here, just as it is in every other direction, and much more advantage might be taken of modern facilities for instruction. Recent European history should become a subject of special study in schools, universities, and all educational establishments, so that information with

¹ See Chapter VIII of H. N. Brailsford's "The War of Steel and Gold."

regard to current foreign affairs may be better understood; while foreign languages and literature should occupy a more prominent place than they do in education, as they will lead to a more intimate appreciation of foreign character.

So long as foreign nations are regarded as Courts and Governments, engaged in the performance of mysteries intelligible only to a certain class of specially trained official, and controlling a mass of strange people who talk incomprehensible languages, eat odd food, and have extraordinary habits, the difficulty of understanding anything about them will seem insuperable, and the gulf between peoples unbridgeable. But once it is realized that although they have languages of their own, and different historical traditions, foreign nations are in all other respects communities of human beings just like ourselves, with the same hopes and the same sort of misfortunes, interest in them, sympathy for them, and intercourse with them will increase. Our insularity has always tended to make us hold aloof and to adopt a rather contemptuous tone towards the European family. Legitimate pride in one's own country is estimable within reasonable limits. But boastful arrogance, combined with foolish disparagement of the "damned foreigner," has been an attitude of mind deliberately fostered by a certain school of political thought.

Fortunately, easy intercommunication between nations is now established. Commerce and banking have to a large extent become internationalized. Exchange of ideas, exchange of literature, and exchange of visits help to prevent people from holding such narrow views as formerly; and facilities for international intercourse, after the admirable example set by science and art, which know only the rivalry of service in a common cause, must, in the nature of things, continue to increase.

But much more than this is wanted. Every bit as much attention must be given to foreign questions as to social problems. Candidates and Members must be urged to keep them to the front, to seek information, to impart information, to insist on discussion. Constituents have been known actually to have disapproved of their Member taking an intelligent interest in the affairs of foreign countries. As already remarked, Foreign Office debates are the low-water mark of parliamentary interest. All this must be altered. The people must gradually fit themselves for the acceptance of a higher degree of responsibility ; and in their endeavours they must be encouraged to cultivate a wider conception of their duties and not be frowned upon and blamed for their interference in affairs they do not understand.

The acceptance of a responsibility is the essential preliminary for the development of the proper capacity to discharge it. As with individuals, so with the people, unsuspected talents are brought to light when new duties are undertaken. Given opportunity and given suitable machinery, the people will rise to the occasion and prove themselves worthy of the charge entrusted to them, even as they have proved themselves worthy in the successive stages of internal self-government.

Recent events, unfortunately, may be found to have strengthened the forces of reaction. Anti-democratic and anti-progressive ideas are bound to receive some encouragement from what their adherents consider to be the collapse of the pacifist movement, the temporary suspension of all reforming activities, and the check of a progress they detested. They hope that the subservience and obedience which proceed from the supremacy of physical force will take the place of independence and self-reliance. They trust in the

fortification of the State by a more permanent establishment of the military spirit, and they scoff with unrestrained laughter at the idea of any form of idealism, or confidence in moral or spiritual influence, surviving the reign of violence. Indications are not wanting that this state of mind is gaining ground.

For instance, *The Morning Post* (December 28, 1914) said: "War came like a great thunderstorm which, while it strikes the individual with its lightning, clears the air and cleanses the ground of heat, vapour and infection. To those who are thoroughly imbued with false ideas it must seem as if nothing remained. Social reform, land reform, and all other reforms without which it was supposed the nation could not live are gone clean out of the picture. Militarism, said to be so bad a thing in itself, is become the sole business of the Government and the chief business of the nation. . . . Democracy may still exist but it is no longer in evidence, and it may be surprising to many that it continues to live without some new measure of wet nursing." And Professor Ridgeway, in an address to the Classical Association (*The Times* report, January 9, 1915), declared that—

"A modern world filled only with democratic States would be like a stagnant pond in some shady spot in which no higher animal forms could live but overflowing with all the lower and baser forms of life. In a world of perfect peace, Humanity would perish from its own physical and moral corruption."

Incredible as it may seem, these sentiments are applauded, and reactionary opinion is congratulating itself on its favourable prospects.

Democracy may have to fight over some of the old ground again before it can hope to advance farther. But our Professor Ridgeways are not very far sighted.

The general dislocation produced by war is likely to extend and assume serious proportions. Events are not going to follow one another in humdrum sequence as in ordinary times. The world may conceivably wake up to find that other forces besides party disputes and official intrigues are able to sway the fortunes of a people. Democracy will be docile when calamity occurs in a region of which it has no knowledge, but when calamity extends to regions where it has close knowledge it will no longer submit ; and the seeds of suspicion which were checked by its ignorance will grow with alarming rapidity into the great discontent, which is the sure precursor of reform, if not of revolution.

Meanwhile, there is nothing extravagant in the hope that, after this shock, the nations of Europe will seek some method of adjusting their differences without having recourse to the arbitrament of arms. A Federation of States, an International Council, a permanent Court of Arbitration, or a League of Peace are all ideas which have appealed, and continue to appeal, to men eager to establish concord and to abolish conflict. But no sort of success will attend the efforts of the most conscientious worker for peace so long as agreements are concluded by statesmen behind the backs of the people, or until the people themselves control their own destinies and are able, with their eyes open, to direct the course of national policy. On the mutual sympathy and co-operation of the peoples alone, and not on the intercourse of unrepresentative Ministers, can agreement of any permanence ultimately be reached.

The nations of Europe are in different stages of development with regard to their method of government. The democratic ideal has advanced farther in some nations than it has in others. The evils of militarism, of confidence in force, of aggressive intention, though

visible to some extent in all nations, have a far more energetic growth in the countries where democracy is kept in check. This is another proof of the moderating and pacific influence of democracy. But the more advanced peoples cannot wait for the faster progress of the more laggard Governments in the less highly developed communities. They must go forward, impelled by the calamitous failure of a diplomacy conducted in secret, nurtured by intrigue, and out of harmony with their best interests and highest ideals.

Every healthy people has inherent in it a great national energy, a great potential activity possessed in some degree by each individual separately, and becoming immeasurably augmented in force when the community combines in some common pursuit. The question which confronts the disbelievers in militarism and violence is how to find an outlet and scope for this national energy in which it may focus its giant force, not on the destruction and devastation of the social life of nations, but on strengthening and stimulating the progressive and humanitarian tendencies which operate towards the enrichment of the life of man. It is essential that men should be shaken from ease, apathy, and indolence. The national fibre must be invigorated by strenuous effort and concentrated endeavour. The idle, who are often the most anxious for war, should be taught how to serve in time of peace. There are other fields besides battlefields in which the national vigour can be exercised, and other enemies against whom to turn the fury of national displeasure besides our fellow-men in foreign lands. To say that it is fantastic idealism to suppose that humanity can become sufficiently enlightened to turn its combative instinct against its real enemies, Ignorance and Poverty and all their host of allies, is to deny that there is any proof of progressive advance in the world's history.

The existence of this national energy must be recognized and its value appreciated. Democracy in its true sense, that is to say the whole people, must rise to its great responsibility, and must, by knowledge and understanding, by control and guidance, utilize its power to secure a far higher degree of social well-being in our own land, the advancement of international unity and mutual comprehension among nations, and the extension of the best elements of civilization throughout the world.

But Democracy must not be deliberately prevented, as it is now, from participation in one of the most important functions of government.

The peoples must tear the bandage from their eyes, cast the gag from their mouths, and prepare themselves ; so that, seeing and understanding, they may help in the councils of the world with a better chance of success than their Governments, their statesmen, and their diplomatists, whom they have allowed too long to exercise, behind closed doors, the sole management of affairs which concern their national existence.

The stuffy hot-house atmosphere of diplomacy must be cleansed by the fresh air of publicity. The spiders of intrigue which have woven undisturbed their tangled webs in secret must be chased out of darkness into the open light of day. Treaties that now lie forgotten as mouldy parchments on dusty shelves must be converted into living instruments of binding obligation.

But, first and foremost, there must be a general acceptance of the fact that statesmen, however astute they may be, can never establish a permanent, enlightened and pacific relationship between nations, unless they have at their back the co-operation, the approval, and the intense and determined desire of the great mass of the people.

SUMMARY OF CONCLUSIONS

The influence of Democracy would be pacific: because the people have come to realize more and more that their highest interest is peace; they are not inspired by any racial animosity, their combative instincts are normally in abeyance, and they are more than ever inclined to concentrate their efforts and their energies against social evils and the forces of reaction.

The pacific inclinations of the people are at present ignored by Governments in time of peace, while the Jingo clamour of the mob is encouraged in time of war.

Democracy is not mob rule. The blatant outbursts of bellicose passion in the rabble is not an expression of national sentiment. "Sheer blatancy, at all times a power, in war time is supreme" (J. Morley).

When war is declared national unity can be secured by telling the people the country is in danger and the enemy must be crushed.

Democracy is anti-militarist: because the people as a whole do not believe any advantage, moral or material, can be gained by war. Unfortunately, they have neglected to exercise any supervision over the authority

which controls the issues of peace and war. A State will become militarist in proportion to the degree in which it can succeed in eliminating the democratic element.

The people are not ignorant, but in foreign affairs they are either uninformed or misinformed. Their supposed ignorance was one of the favourite arguments used against their having any voice in the control of domestic affairs.

A well-informed Democracy would not be misled by an unscrupulous Press. Their enforced ignorance at present leaves them at the mercy of any scaremonger.

The moral sense of a nation resides in the people, not in the Governments. If the standard of national morality is low, it is because the people are not yet allowed to be articulate.

A growing spirit of internationalism has begun to manifest itself among the people, more especially the working classes, but has not reached their rulers.

Public discussion is the best means of educating a people. At the same time democracy will become more alive to the necessity of studying and inquiring into foreign questions.

Publicity is the healthiest method by which the affairs of a nation can be conducted. In foreign affairs frankness and publicity are the best securities for peace. A Government can only be frightened of publicity if it is engaged in negotiations of which the country would be ashamed or would disapprove.

The causes which may lead to war should be fully understood by the people in order that every opportunity may be afforded them of exercising a pacific influence before it is too late, and in order that they may know clearly what they are fighting for if war comes.

The tradition of diplomacy is secrecy, because the method of diplomacy is a relic of autocratic and aristocratic rule. Secret diplomacy has failed.

Diplomatic secrets are for the most part fictitious, and only exist because Ministers, diplomats, and officials desire to keep complete control in their own hands. But it is not only secrets but information with regard to current events and national policy which is kept from the knowledge of the people.

The Diplomatic Service is aristocratic and therefore unrepresentative. The members are drawn from one class, and are out of touch with popular sentiments.

The Foreign Secretary exercises almost unlimited discretion in his conduct of foreign affairs. He is subjected to less criticism, and is freer from outside control, than any other Minister.

Parliament is practically powerless. Seldom more than one day in the session is devoted to a debate on foreign affairs.

Parliament requires information. At present Members of Parliament are kept ignorant, and their ignorance is used as an excuse for not confiding in them.

Treaties can be concluded and commitments made with

foreign nations without the consent of Parliament. National obligations can be undertaken of which the people are entirely ignorant.

Treaties can be concluded for all time, binding future generations, when circumstances may have entirely altered.

Control over foreign policy can be exercised through the House of Commons. The Foreign Office vote should be taken automatically every session, and the debate should extend over at least two days, in order that general policy as well as detail can be discussed.

No treaty, no alliance, and no commitment involving national obligations should be entered upon or concluded without the consent of Parliament. This is the very essence of popular control.

Secret treaties and secret clauses to treaties should be abolished, so far as this country is concerned.

Treaties should come up for revision periodically, in order that each generation may be duly apprised of the extent and nature of our national obligations.

A Foreign Affairs Committee should be set up in the House of Commons for the examination of detailed points and current events. It should call for papers, and if necessary refer questions of importance to the House itself. By this means a well-informed body of Members would be created, and supervision of detail and foreknowledge of critical developments would be secured.

The Foreign Office and the Diplomatic Service should be amalgamated into one Foreign Service, organized on the same principle as other branches of the Civil Service. There should be open competition, and the income qualification for the Diplomatic Service should be abolished (as recommended by the Royal Commission).

The Foreign Secretary should avail himself more frequently of suitable opportunities to inform Parliament and the country of the main lines of his policy.

The agreement of the Opposition with the Government on foreign policy is no reason for the country being kept in ignorance of what that policy is, nor for the House of Commons being deprived of any opportunity for discussing it.

Parliament cannot interfere with the personal responsibility of the Foreign Secretary in the administration of foreign affairs. But it is its duty to supervise that administration and to control his policy.

A Foreign Secretary acting openly with the express approval of his Parliament would be in a far stronger position than a Foreign Secretary acting secretly on his own responsibility.

Treaties and engagements sanctioned by the people's representatives would be more durable and binding than treaties and engagements concluded by a small number of individual Ministers and diplomats. Their authority passes while the authority of the people endures.

General control over policy and express approval of

engagements are what democracy requires, not interference with detailed negotiation nor participation in the personal responsibility of the Minister.

The House of Commons and the people are to blame for having submitted so long to a system by which they are deprived of control over the most important branch of public affairs.

A durable peace cannot be secured while the people are prevented from having any share in determining their own destinies.

APPENDIX I

EXTRACTS FROM EVIDENCE GIVEN BEFORE THE SELECT COMMITTEE ON HOUSE OF COMMONS PROCEDURE, 1914

(*Report* 378.)

MR. BALFOUR—THE PRIME MINISTER—THE SPEAKER

THE RIGHT HON. A. J. BALFOUR

1701. Then you think that the opportunities for criticism of administration in the House at present are sufficient and are suitable, because often a debate on the administration of an office wanders over a very large tract, and it is very unsatisfactory, whereas a detailed criticism in Committee of distinct points brought up from time to time would be really businesslike?—There is no doubt, I suppose, that criticism in Committee of Supply is in no sense a criticism of the day-to-day action of the departments. All that the Committee of Supply can do is to take certain leading principles, or perhaps catch hold of certain matters which have come before the public and which have raised a good deal of feeling, and require the Government to give a defence of their action in those matters. The general policy of the department is, or ought to be, laid before the House in the speech of the Minister; I think it commonly is laid before the House in the speech of the Minister, and its general principles, if the House cares to, it can no doubt discuss, but I do not know that it can usefully do more than express its opinion upon those general principles, and if any scandal or if any apparent failure comes before their notice, they can require the Minister to justify himself upon that particular count.

1702. You think that our powers of criticism of departments in the House of Commons are sufficient as they stand?—If I say yes, and you then ask me whether I think no defect of depart-

mental legislation ever escapes criticism, of course it is clear that that may happen, and no doubt does happen ; but if by your question you mean to say that I think more time ought to be given to departmental criticism, I should say, on the whole, not. You have an hour's questions four days a week, and you give the Opposition the power of selecting what estimates it wishes to discuss. You have, in addition to that, the power of adjournment. That, I take it, is far greater than the power of criticism exercised by any other Assembly in the world upon the details of its day-to-day administration, and I should have thought that, broadly speaking, it was sufficient.

1703. You think the control of the House over foreign affairs, which of late years have been less and less discussed, is sufficient ?—You say that they have been less and less discussed ?

1704. I should say within the last few years opportunities for discussion in the House of questions of foreign affairs are a great deal less than they were in the 'eighties and 'nineties ?—If there had been a very sharp difference of opinion between the two big parties in the House, or between any of the parties in the House, as to the trend of foreign policy, I think you would have found much more time given to it. There was much more time given to it when there was such a difference of opinion as in Lord Beaconsfield's administration.

1705. A party division ?—Yes ; but when there is no such party division, when the leaders of the Opposition, without at all committing themselves to the details of foreign administration, of which, indeed, they have a very imperfect acquaintance, are fairly confident that the general lines pursued are not inconsistent with national welfare, then I think probably the less time given to foreign affairs the better.

1706. There might be an important division of opinion, which is not a party division ; in that case the opportunities for debate are curtailed ?—They are. It is quite true that if the Opposition do not wish to raise a question, a section of the House which belongs perhaps to the party of the Government has no very efficient means at its disposal for requiring time for debate.

1707. On the whole, you would be inclined to think foreign affairs is a question which should not be aired too frequently in the House of Commons ?—That is my opinion. I think neither Indian affairs nor foreign affairs are very fitting subjects for constant discussion and debate. Indiscreet

speeches, the value of which we can perfectly weigh within the House, get reported and circulated abroad, or in India, or even at home in the provinces, and very often make bad blood quite unnecessarily, and raise difficulties which might easily have been avoided.

1708. Then you do not think the uninformed condition of the House of Commons on foreign affairs matters?—I am not quite disposed to agree that the position of the House of Commons is uninformed. It does not know and it cannot know, and if I may say so, it ought not to know exactly what passed between the Foreign Secretary and the Ambassador of this or that Great Power in such a conversation on such and such a day. Such conversation must be confidential if you are to work the European system at all, and I do not think that it would be any gain to the peace of the world or our own national interests if 670 prying eyes were perpetually directed towards these current details of international negotiations.

THE PRIME MINISTER

2279. Do you think, to pass to another question which has not yet been mentioned, it is your experience since you have been in the House that foreign affairs are very much less discussed than formerly?—I think on the whole perhaps they are. Of course, there have been times when foreign affairs were the predominating interest of the Sessions; for instance, in the days just before I came into the House, 1884 and 1885, I suppose a great part of the time of the House was then occupied in discussing matters connected with Egypt, the Soudan, the Gordon expedition, and so forth, and, of course, at an earlier date which I well remember, although it was long before I was in Parliament, 1877, 1878, and 1879, the time of Parliament was very largely occupied in discussing foreign affairs to the exclusion of almost every other topic. That was due not to anything peculiar or different in the parliamentary arrangements, but to the public interest and controversy which foreign affairs at that time excited.

2280. Was it not due to the fact that there was a difference between the two parties on policy which does not so much exist now?—There was a sharp difference, no doubt. In the early days of the Eastern Question there was a sharp difference

between the two parties, although, of course, there was a considerable division of opinion at the time in the Liberal Party about it.

2281. Is it not the fact now that unless there is a sharp party division, and if it is only a difference of opinion of a certain section of the House, there is practically no opportunity at all of discussing foreign affairs except on the Foreign Office Vote?—On the Foreign Office Vote. Of course, there is no reason why Members, if interested in any particular item of foreign affairs, should not ballot for motions about it, which I do not observe they do.

2282. It has been done on the Mediterranean?—It might be done, of course, and would be done if there was anything like a widespread desire to discuss it. Up to Whitsuntide, at any rate, they would have an opportunity of doing so. I do not think (I am speaking rather at random) that we have been asked for an additional day for the discussion of foreign affairs of late years.

2283. You do not think it would be an advantage if the Foreign Secretary from time to time made an opportunity for himself to make a statement in the House?—He does from time to time. You mean more frequently than he does?

2284. More frequently?—I think he necessarily would if there was a general desire on the part of the House that he should. I take it that it is the absence of any such general desire which accounts for the comparative infrequency of his general statements. As far as the present holder of the office is concerned, I am sure it is from no indisposition to take the House into his confidence.

2285. It happened in 1911; you put down a motion: “That the foreign policy of His Majesty’s Government be now considered”?—Yes, we did. That could always be done, of course, if there was a general desire or a widespread desire for it.

2286. In the case of foreign affairs the House generally has the opportunity of discussing or coming to a decision after the *fait accompli*?—That has always been the case to a large extent.

2287. You do not think it is desirable that there should be any change in that respect?—If you mean by change the only effective change which I can conceive, namely, that before the Government take a decisive step in foreign policy they should take either the House or a Committee of the House into their confidence and get its approval, I do not think that practicable

or desirable either. I think the whole undivided responsibility for executive action should rest on the shoulders of the Government. It is quite true that sometimes you may find yourself in presence of what you call an accomplished fact which cannot be undone, but you can always punish the people who have done it by censure and by loss of office and so forth. On the whole, that seems to me a fairly effective check upon adventurous and headstrong proceedings, and certainly preferable to the only alternative, the one I a moment ago described.

THE SPEAKER

2870. Have you any other suggestions, Mr. Speaker, on your notes which you would like to mention to us?—Supply. We have now got in the habit in Supply of discussing big questions and not of discussing the administration of the department at all from the economical point of view. I am rather in favour of sending a good deal of Supply up to a Committee to investigate the details, but of retaining in the House the power of discussing big topics. For instance, in the case of foreign affairs, I should certainly retain the salary of the Secretary of State for Foreign Affairs for the Committee downstairs in order that all questions of policy might be discussed, but the salaries of the officials, the number of the officials, and allowances, and so forth, might be sent to a Committee upstairs and be discussed there. We should revive that control over expenditure which has rather been lost since this new method of taking Supply has come into force.

2993. You draw attention to what occurred on Monday last when the whole foreign affairs of the Empire took four hours and the question whether Croydon should be enlarged took the remaining three of the sitting. That is a great abuse, is it not?—I think it is not a very wise distribution of our time.

2994. Now, was your attention drawn to another peculiarity of the debate on Monday, that in the four hours devoted to the foreign policy of this country we commenced with Persia, we passed to the Balkans, we then went to the New Hebrides, and then to China—all in four hours. Do you think it is not very difficult to conduct a useful debate on these lines?—The answer to that is, that if there is really any serious question relating to any one of those, the House has it in its own hands to ask for another day for the discussion of that particular branch of

foreign affairs. Supposing there were a great deal of feeling with regard to the Near East and it was really desirable to have a prolonged debate upon that, there would be no difficulty in devoting another day to that particular branch of the subject.

2995. Would not that be only possible if the regular Opposition held that view?—Yes, I believe that now the system is that the regular Opposition are entitled to ask for a day. I do not quite know what the position is of the Irish Party or of the Labour Party—whether the Government would yield to their pressure or whether they would only yield to the pressure of Opposition. I do not quite know how that works.

2996. I think the Government would yield to the Irish or Labour Party on questions peculiar to their own sphere, not otherwise; but take the case of a group of Members from all parties, even a considerable non-party group which took a very strong view on some of these foreign questions which often split parties, does not the present system deny that group the chance of having a debate on some view they hold strongly?—Yes, I think it does. If it is true that the Government only yields to the demands of the regular Opposition, I think that other groups are liable to be crowded out, but if there is a really serious case which requires threshing out the Government would insist upon taking a day or half a day for the discussion of that.

3002. With regard to foreign affairs, Mr. Speaker, is it your experience since you have been in the House that they are less discussed now than they used to be?—I should say during the last few years, certainly less, but I attribute that to the fact that there is no violent party discord on foreign affairs.

3003. You think it is more the absence of disagreement between the parties than the pressure of other work?—Yes; for instance, during the time of the Armenian massacres, the Bulgarian atrocities, and the series of crises in Egypt in 1881-2, there were constant discussions on foreign affairs. That was because parties were very sharply divided on the Government policy at those respective times.

3004. You would not be in favour of a Committee examining the estimates of the various departments, for instance in the case of a Foreign Office being able to discuss minor points of foreign affairs outside the House?—I do not think a Committee would really be useful there; it must be a question of policy, and a Government could never submit to having its policy dictated by a small Committee, and sometimes on those small Committees

you are apt to get a number of faddists together who might presume to dictate their policy to the Government, and yet that would not necessarily be the view of the House, as a House. I think those Committees which I referred to would be very useful, or might be useful, for going into questions of expenditure, organization of departments, and so forth.

3005. But is it not the fact now that, except by question and answer, which is rather an embarrassing method of asking for information, the Foreign Secretary himself can find no opportunity of informing the House with regard to foreign affairs? The four and a half hours last Monday is very likely all we will have this year?—I think it is quite possible. There is always a chance on the motions for adjournment at Easter and Whitsuntide if there is any serious question, and on the Address at the beginning of the Session, and on the Appropriation Bill at the end of the Session.

APPENDIX II

TREATMENT OF INTERNATIONAL QUESTIONS BY FOREIGN PARLIAMENTS

AUSTRIA-HUNGARY, BELGIUM, FRANCE, GERMANY, ITALY, NETHERLANDS, RUSSIA, AND UNITED STATES

[*Extracts from Parliamentary Paper, Miscellaneous No. 5 (1912), Cd. 6102.*]

AUSTRIA-HUNGARY

Report on the System existing in Austria-Hungary for the Parliamentary Treatment of International Questions.

The parliamentary system of Austria-Hungary, resting as it does on the separate and yet co-equal character of the two halves of the monarchy, renders the question of the parliamentary treatment of foreign affairs a somewhat complicated one.

The law supplementing the fundamental law of 1867 opens with the following paragraph :—

“The following affairs are declared as common to the realms and lands represented in the Reichsrath, and to the territories of the Hungarian Crown :

“(a) Foreign affairs, including diplomatic and commercial representation in relation to foreign countries, as well as the steps that may be necessary with regard to international treaties, though the ratification of international treaties, in so far as such ratification is constitutionally necessary, remains reserved to the representative bodies of both halves of the Empire (to the Reichsrath and to the Hungarian Parliament).”

That is to say, foreign affairs are declared to be “joint” affairs in the executive sphere, legislation on the subject being, however, expressly reserved to the action of the separate Austrian

and Hungarian Parliaments, which are juridically independent of each other. Thus, each separate Parliament is charged with the examination and ratification of commercial treaties and of those treaties "which burden the monarchy or any part of it, or lay obligations on individual citizens, or involve a territorial change in the realms and territories of the monarchy"; and no such treaty is complete until it has received the sanction of both the Austrian and the Hungarian Parliaments.

Beyond this, however, the Austrian Reichsrath and the Hungarian Reichstag have no machinery for the treatment of foreign affairs. The Minister for Foreign Affairs being a "joint" Minister, and as such forbidden to be a member of either the Austrian or the Hungarian Cabinet, only appears before the Delegations and not before either of the two Parliaments: and discussions on foreign affairs only take place in the latter bodies as the result of interpellations, which are addressed to the respective Prime Ministers. The joint Ministers cannot therefore lead the Parliaments, nor can the Parliaments control them. No direct influence can be exercised by either Parliament on the conduct of foreign affairs, nor is the Minister for Foreign Affairs in any way responsible to them. Thus, the occupation of Bosnia-Herzegovina was carried through by Count Andrássy against the wishes of both the Austrian and the Hungarian Parliaments.

The statute of 1867, which deals with the relations of Hungary to Austria, lays down the following rules in regard to the conduct of foreign affairs:—

"The suitable guidance of foreign affairs is a means towards the common and joint defence springing from the pragmatic sanction. This proper guidance demands unity relative to those affairs which refer to all the territories collectively under the sovereignty of His Majesty. Therefore the diplomatic and commercial representation of the kingdom in foreign countries, as well as the requisite dispositions with regard to international agreements, are part of the business of the joint Minister for Foreign Affairs acting in understanding with the Ministers of both parts of the monarchy and with their consent. International agreements are communicated by each Government to its own Legislature. Hungary, too, recognizes foreign affairs as joint."

It will be observed that no reference is made to any responsibility of Parliament in the matter.

The legislative body of the Austro-Hungarian Monarchy com-

petent to deal with questions of foreign policy is the "Delegations," or common deliberative body of the Dual Monarchy. These consist of two bodies of sixty members each, of whom twenty are selected from the Upper House and forty from the Lower House of Austria and Hungary respectively. These members are elected annually, and meet simultaneously (though separately) in Vienna and Budapest alternately.

The functions of the Delegations are, however, limited. In the sphere of foreign affairs, beyond passing the estimates, their only duty is to receive information from the joint Minister for Foreign Affairs—in fact, to give him an opportunity of making statements. The following are the paragraphs of the statute of 1867 dealing with the subject :—

"Relative to the method of procedure, it is laid down that the joint Ministry shall bring before each Delegation separately any subject which pertains to these Delegations. Each Delegation shall have the right to address questions to the joint Ministry, or to the representative of the administrative department concerned, and to demand an answer and explanation from the same. For this reason the joint Ministry shall have the right—and is, moreover, obliged if challenged—to appear before either Delegation to answer questions by word of mouth or in writing, and also, if it can be done without detriment to the public interest, to give explanations and to produce the necessary documents.

"The fixing of the joint estimates shall form the most important annual task of these Delegations. This budget, which is limited to those expenses which are designated as 'joint' in the present resolution, shall be elaborated by the joint Ministry, under the influence of the two separate responsible Ministries, and then laid before each separate Delegation. The Delegations shall consider the same separately, and shall communicate their observations to one another in writing. On the points regarding which their opinions may not coincide they decide by voting at a joint sitting."

The actual procedure for the treatment of foreign affairs by the Delegations is the following :—

Each Delegation, Austrian and Hungarian, constitutes itself into a committee for the examination of the estimates of the joint Ministry for Foreign Affairs. When the Delegations meet in Vienna the Foreign Minister submits his estimates first to the Hungarian Delegation Committee on Foreign Affairs and makes

to it his statement on foreign policy. When the Delegations meet at Budapest precedence is given to the Austrian Committee. A debate in committee follows the Minister's statement, and a member of the committee is designated to report before the plenary sitting of the Delegations on the foreign estimates and on the Minister's statement. The Reporter thus designated examines the estimates in detail, and is entitled to ask the Foreign Minister for special explanations and for confidential information. The proceedings in committee may also be declared confidential in case the Minister wishes to give information of a confidential character. After the debate in committee the estimates are recommended for adoption by the plenary Delegation, and an expression of confidence in the Minister is sometimes, but not invariably, attached to the recommendation. During the foreign affairs debate in the plenary sitting the Reporter presents his report, which is usually a paraphrase of the Minister's statement in committee, but occasionally includes, at the tacit instance of the Minister, special references to certain aspects of foreign policy which the Minister himself may, for obvious reasons, not have emphasised. The Minister is thus able to "adopt the suggestions of the Delegation as made by its Reporter" in his subsequent handling of the issues in question. The present Reporter ("Berichterstatter"), who has discharged this duty for over ten years, has always consulted the Foreign Minister before making his report, and the whole conduct of the committee has been arranged in conjunction with the Ministry for Foreign Affairs. It cannot, therefore, be said that the Delegations' committees have the slightest influence on the conduct of foreign affairs. No instance since the foundation of the Delegations in 1867 has ever occurred of the rejection of the foreign estimates by the committees, and they are usually adopted by a large majority of the Delegations in plenary sitting, sometimes with a vote of confidence. The above procedure is observed in both Delegations.

The actual rules governing the procedure of the committees are as follows :—

The numbers composing the committee are determined from time to time by the Delegations.

The committees must elect a president. They may, if they choose, add to their number any member of the Delegations who possesses special knowledge of the questions under discussion, such member being given a consultative vote.

The joint Ministers (including the Minister for Foreign Affairs) may appear before the committees to give them explanations and information as to Government measures, etc. The committees have the right to request the joint Ministers to institute any necessary investigations, and they also have the right to invite to their sittings the Austrian and the Hungarian Ministers, and any experts, for the purpose of obtaining information and opinions from them.

The committee chooses a Reporter ("Berichterstatter"), who makes a report on the result of the discussions, and is charged with the duty of advocating before the whole Delegation the resolutions passed by the majority of the committee.

A minority report may be appended to this report if the minority consists of not less than three members.

VIENNA, January 6, 1912.

BELGIUM

Report showing Methods adopted by Belgian Parliament for dealing with International Questions.

The Belgian constitution gives the Sovereign the right to conclude treaties of peace, alliance, and commerce. He communicates them to the Chambers as soon as the interests and safety of the State may permit.

The constitution is interpreted to signify that the time for communication to the Chambers is left to the Sovereign's decision.

Treaties of commerce and those which impose any financial obligation upon the State, or which affect the personal interests of Belgian subjects, do not become effective until they have received the assent of the Chambers.

No cession, exchange, or acquisition of territory can be made without the sanction of the Chambers. In no case can the secret articles of a treaty render the public articles inoperative.

The Sovereign has power to conclude treaties or conventions not included in the above-mentioned categories,¹ and these need not necessarily be submitted to the Chambers for approval.

Treaties or conventions are laid before the Chamber of Representatives annexed to Bills upon which, as regards the acceptance or rejection of the treaty or convention, the vote of the Chamber is eventually taken. These Bills are subject to the

¹ E.g. Royal Marriage Treaties.

same procedure as other Bills. They are in some cases referred to the committees elected for various purposes by the Chamber, but more generally to special commissions consisting of at least five members. The committees or commissions prepare reports which are presented to the Chamber for discussion.

The mode of procedure is the same in the Senate except that here there are permanent commissions appointed for the duration of the session. There is a permanent commission for foreign affairs to which treaties and conventions are generally referred. The commissioners have no powers other than those which arise from the reference to them of a treaty or convention.

The Chambers are not empowered to modify or amend treaties or conventions. They can only reject or approve them.

The Government are bound only to furnish a memorandum explanatory of a treaty or convention. They can refuse communication of any other documents.

There is no official commission, composed either of senators or representatives, or jointly of senators and representatives, which deals with international questions affecting Belgium or with questions relative to Belgian external politics, nor is there any commission appointed by the Chambers for this purpose.

The Belgian Chambers exercise no immediate control over the foreign policy of the Government, or over the manner in which any international question affecting Belgium is treated by the Government. Such control would constitute an encroachment by the Legislature upon the powers of the executive.

Ministers have the right to make statements in either House with regard to questions of foreign policy.

Senators and representatives are entitled to raise debate on such matters by means of questions, or else when the estimates of the Ministry for Foreign Affairs are under discussion.

FRANCE

Memorandum on the French Parliament and Foreign Affairs.

According to the French constitution, the President of the Republic negotiates and ratifies treaties with foreign Powers. These treaties are then to be communicated to the Senate and the Chamber of Deputies as soon as is compatible with due regard to the interests and security of the State. Treaties of peace and commerce, and those which affect the finances of the State, the status of persons and the rights of property of French

citizens abroad, are only binding after they have been approved by a vote in the two Houses. No cession, exchange, or acquisition of territory may take place without a law be passed to authorize it.

It may here be remarked that the Treaty of Berlin of the 13th July, 1878, was ratified by the President of the Republic, and promulgated without the approval of Parliament being asked, presumably because it was not considered as falling within any of the above-mentioned categories of treaties.

The Chamber of Deputies appoints sixteen grand committees at the beginning of each fresh Legislature, to examine and report on questions concerning the various departments of the State with which the House is called upon to deal. One of these committees is "La Commission des Affaires extérieures et coloniales." It is elected for the whole legislative period (four years), and composed of forty-four members, designated by the various political groups in proportion to their numerical strength. This choice has to be confirmed by the Chamber at a public sitting. The committee does not examine the Budget for Foreign Affairs, as the yearly credits for that department are discussed by the General Budget Committee ("Commission du Budget"). The Foreign Affairs Committee reports to the Chamber on all questions relating to foreign policy which are submitted to it. It may summon before it any persons whose evidence may be of a nature to guide it in its deliberations, but when these persons hold an official post, the Minister concerned must first give his consent, with or without the condition that professional secrecy is to be observed. A Minister himself may be requested to appear and give explanations to the committee on points of policy. Although, in theory, a Minister is not obliged to appear before the committee, a refusal to do so would not be in harmony with French parliamentary traditions. All papers which the committee desires to consult are communicated to it through its chairman by the competent Minister. Should the latter consider that reasons of State forbid him to communicate any document thus asked for, the Minister informs the chairman of the committee, which usually acquiesces in the Minister's view. If the committee persists in its demand the matter is brought before the Chamber. Should the latter support the committee, such action is likely to bring about a Ministerial crisis.

In certain cases, the Committee for Foreign Affairs may be invested by the Chamber with the powers of a special commission of inquiry. These powers include the right of hearing

sworn witnesses and of pursuing investigations in any part of France or even abroad.

There is no permanently constituted Committee for Foreign Affairs in the Senate. Bills submitted to this Assembly concerning foreign affairs are referred to a special committee. In some cases, especially when the matter is pressing, they are merely referred to the Senate Finance Committee. The same rules respecting the summoning of witnesses, official or non-official, as obtain in the case of the Committee for Foreign Affairs of the Chamber apply in the committees of the Senate.

The General Budget Committee of the Chamber of Deputies, which is the most important of all parliamentary committees, is also composed of forty-four members nominated by the House in the same manner as the Committee for Foreign Affairs, but, unlike the latter, is elected for one year only. It appoints a reporter for each of the departmental budgets, who, for the purposes of his report, has necessarily to be in close touch with the Minister and department concerned, from whom the greater part of the information contained in the report has to be derived.

The report on foreign affairs of the Budget Committee is a valuable annual record of French policy. It is published generally towards the end of each year.

Interpellations respecting foreign policy by individual deputies on their own initiative, or in the character of spokesmen of their political group, are frequent in the French Parliament. In many cases, the Minister for Foreign Affairs accepts an immediate discussion ; in others, he requests the permission of the House to postpone it to some later and unspecified date, or to join it on to other questions of which notice has been given so as to form a general debate on foreign policy.

PARIS, November 24, 1911.

GERMANY

Report on the Methods adopted by the German Parliament for dealing with International Questions and on the Constitution and Powers of the Budget Committee of the Reichstag in connection with such Questions.

Parliamentary participation or intervention, actual or possible, in the conduct of the foreign affairs of the German Empire, could be fully defined only by an exhaustive examination of the

theory and working of the Federal and State machineries. The considerations most necessary to bear in mind are :—

1. The powers expressly reserved by the constitution of the German Empire to the Emperor, as laid down in article 11 of the constitution, which runs as follows :—

"The Presidency of the Federation is vested in the King of Prussia, who bears the name of German Emperor. The Emperor has to represent the Empire internationally ; to declare war and to conclude peace in the name of the Empire ; to enter into alliances and other treaties with foreign Powers ; to accredit and receive Ambassadors.

"The consent of the Federal Council is necessary for the declaration of war in the name of the Empire, unless an attack on the territory or the coast of the Federation has taken place.

"In so far as treaties with foreign States have reference to affairs which, according to article 4, belong to the domain of Imperial legislation, the consent of the Federal Council is requisite for their conclusion, and the sanction of the Reichstag for their coming into force."

(Article 4 gives a list of the affairs which are subject to the superintendence and legislation of the Empire.)

2. The relations between the Reichstag and the Imperial Chancellor, who is solely responsible for the Government departments, including the Foreign Office, and is not responsible to the Reichstag ; and,

3. The limitation of the effective powers of the Reichstag to a share in legislation.

In practice the Reichstag deals with foreign affairs (a) in connection with the Imperial Budget, which, including as it does the estimates for the office of the Imperial Chancellor and the Foreign Office, is embodied in an Annual Bill, which requires the consent of the Reichstag before it can be passed into law, and (b) by occasional debates on interpellations, or (c) more rarely, on motions.

(a) The Budget Bill, like other Bills, is read three times. The first reading stage consists of a general discussion, which falls naturally into discussions on foreign and home affairs respectively. The second reading stage consists of, first, detailed debate in committee (see special remarks appended on the Budget Committee), and, secondly, the debate on the report to the whole House. Both in committee and on report the

estimates for the separate departments are taken in succession. In committee there is usually a considerable debate on the Foreign Office estimates, and confidential communications are made by the Imperial Chancellor, or more usually the Foreign Secretary, and if necessary by Foreign Office officials. On report also there is often a fairly long debate on the Foreign Office estimates, in which the Imperial Chancellor generally takes part. Foreign questions appear to be seldom raised on the third reading of the estimates.

(b) The only way in which questions can be addressed in the Reichstag to the Imperial Chancellor—for since the subordinate Ministers, including the Foreign Secretary, appear solely as the Chancellor's representatives, questions cannot be addressed to them, though they are often deputed to answer them—is by the tabling of an interpellation, signed by not less than thirty deputies. On the day when the interpellation is placed on the order paper the president asks the Imperial Chancellor "whether and when" he will answer the interpellation. If the Chancellor consents to answer, the interpellator delivers a speech, the Chancellor or his representative replies, and a debate may follow if it is desired by not less than fifty members. Motions on the subject of the interpellation are not permissible.

(c) Motions of any kind can be tabled if signed by not less than fifteen deputies, and if they are not withdrawn after debate, votes are taken upon them. The presentation of critical motions is, however, almost invariably checked by the knowledge that the Imperial Chancellor or his "representatives" will neither take part in nor even attend the debate, and by the fact that a motion which is carried remains an academic expression of opinion. The small number of interpellations and motions on foreign questions during the last session of the Reichstag shows to what extent that body makes use of its powers apart from the annual discussion on the estimates.

As will appear from what has been said, deputies have no power to put questions except by means of the procedure for interpellations which has been described.

It has been observed that the effective powers of the Reichstag are limited to a share in legislation. The necessity therefore for the Government to consult the Reichstag arises in international questions only when legislation is necessary (see last paragraph of article 11 of the constitution, quoted above). A case has

recently arisen of an important treaty which was found not to involve legislation, and therefore not to require the Reichstag's consent. The "Bundesgebiet," or federal territory, is defined by article 1 of the constitution, which gives a list of all the Federal States, and "alterations of the constitution can be effected only by legislation. They are considered as rejected if they have 14 votes in the Federal Council against them" (article 78 of the constitution). The colonies do not form part of the "Bundesgebiet." The Franco-German Treaty, ceding and acquiring territory in the Cameroons and Congo, did not therefore require to be accepted by the Reichstag, and was in fact merely communicated to the House. In view of the dissatisfaction caused by the discovery of this fact, the Reichstag on the 5th December, with the assent of the Government, read three times and passed a law which causes the following paragraph to be inserted in the Colonial Law of the 25th July, 1900 ("Schützgebietsgesetz") :—

"An Imperial law is required for the acquisition and cession of a protectorate, or part of such. This provision does not apply to the question of the adjustment of frontiers."

It remains to consider the practical or possible influence of the State Diets upon foreign affairs. Although the separate States retain Ministers for Foreign Affairs (usually the Ministers-President), and the right to separate representation abroad—Bavaria, for instance, has Ministers at Vienna, St. Petersburg, Paris, and Rome (Vatican and Quirinal), and Saxony at Vienna—foreign relations are now conducted almost entirely (*a*) in Germany, by the Imperial Foreign Office in Berlin, which was raised to federal status out of the Prussian Foreign Office in 1867, and (*b*) abroad, by the Ambassadors and Ministers appointed by the Emperor (see article 11). Attempts are sometimes made to raise in the State Diets—especially at Dresden, Munich, and Stuttgart—questions of State policy in the Empire's foreign relations. Such questions can be referred to in general debates, or interpellations may be introduced. The question usually asked is what influence the Government of the State in question has exercised in Berlin, and especially whether there has been a meeting of the Foreign Affairs Committee of the Federal Council. This Committee is essentially different from the seven permanent committees of the Federal Council.

By article 8 of the constitution : "The Federal Council forms permanent committees from its own members :—

- " 1. For the land-army and fortresses ;
- " 2. For naval affairs ;
- " 3. For customs and taxes ;
- " 4. For commerce and intercourse ;
- " 5. For railways, post, and telegraphs ;
- " 6. For affairs of justice ;
- " 7. For finances.

"In each of these committees, besides the presidency, at least four of the Federal States will be represented, and in the committees each State has only one vote. In the committee for the land-army and fortresses Bavaria has a permanent seat ; the other members thereof, as well as the members for the naval committee, are nominated by the Emperor ; the members of the other committees are elected by the Federal Council. The composition of these committees is to be renewed for every session of the Federal Council or every year, as the case may be, when the outgoing members may be re-elected.

"Besides these, a committee for foreign affairs will be formed in the Federal Council, comprised of the representatives of the Kingdoms of Bavaria, Saxony, and Wurtemberg, and of two other representatives of other Federal States, who will be yearly elected by the Federal Council, in which committee Bavaria will occupy the chair.

"The necessary officials will be placed at the disposal of these committees."

As the foreign affairs committee of the Federal Council exists solely for the purpose of receiving information about foreign affairs, which is usually conveyed by the Imperial Chancellor himself, and of providing means for an exchange of views, Prussia, in whom the actual conduct of foreign affairs is vested, is not a member of the committee. The proceedings are confidential, and State Ministers, when questioned in their respective Diets, usually say nothing more than that the information conveyed to the committee has been satisfactory, and that unanimity has prevailed. In reality, the committee has met on very few occasions since the foundation of the Empire, but since the domestic crisis of November 1908 it has become the practice for Bavaria to call meetings in connection with any

foreign question of great magnitude and lasting public interest. From 1871 to 1908 only two meetings of the committee appear to have been held. Since 1908 there have been several meetings, including one before the meeting of the Reichstag in October of the present year.

The Budget Committee of the Reichstag.

Besides the estimates, questions of great public interest, especially in connection with foreign affairs, are occasionally referred to the Budget Committee.

It consists of twenty-eight members, appointed by the leaders of the various parties in the Reichstag, who alone have power to add to or to make any alteration in the committee.

A reporter ("Referent") and assistant-reporter ("Korreferent") are appointed, who can work separately or together as they like, and who report verbally to the whole committee.

There are no regular sub-committees. These are occasionally appointed by the committee, and consist of from three to seven members.

Neither the sub-committees nor the Budget Committee itself has the right to send for persons, papers, or records, but they can, and often do, ask the president of the Reichstag to do so.

After the Budget Committee has received and considered the reports of the various reporters, a general reporter is appointed who reports verbally to the Reichstag.

The distribution of the questions to be reported on is made by the heads of the committee after agreement with the members.

Ministers can always make statements in the committee.

The proceedings are secret, but reports of the sittings are issued.

BERLIN, December 29, 1911.

ITALY

Report showing Methods adopted by Italian Parliament for dealing with International Questions.

There exists in the Italian Parliament no committee of foreign affairs and, in general, the Government may be said to enjoy a wide independence in dealing with international questions.

The general rule is such that the Government is empowered to negotiate and ratify without the cognizance of Parliament such treaties as impose no direct financial burden on the country

and do not affect its credit ; but if any clause necessitates a vote of supplies, the entire treaty must be submitted to the approval of Parliament. This interpretation was insisted upon in respect of the treaty of peace with Austria in 1849, when the Government endeavoured to establish the doctrine that only the financial articles required the approval of Parliament ; whereupon the Chamber passed an order of the day to the effect that the vote of the required funds did not validate the treaty which required the approval of Parliament before it could have force of law.

Apart from this control the Chamber exercises a general supervision over the foreign policy of the Government by means of questions, interpellations, and requests for papers, and the right of unlimited discussion on the Foreign Office Vote in much the same way as the British Parliament.

As regards interpellations, the responsible Minister may, with the consent of the House, defer his reply, or even refuse to reply at all ; in the latter case, however, the interpellator has the right, before the House takes its decision, to state the reasons for his interpellation, and the Minister must then show his grounds for refusing to reply. After the Minister has replied to an interpellation it is open to the interpellator if he is dissatisfied to move an order of the day hostile to the Government, whereupon the Chamber decides when it shall be discussed.

Questions are usually submitted in writing and, as in the case of interpellations, the Minister may, with the consent of the House, refuse to reply ; on the other hand, the custom of the Italian Parliament appears to allow members considerable latitude with regard to supplementary questions.

As regards the publication of papers dealing with international questions, the Italian Parliament appears always to have recognized that the Minister for Foreign Affairs must be the sole judge as to the opportuneness of publishing correspondence dealing with current questions.

NETHERLANDS

Memorandum respecting the Methods adopted by the Netherlands Parliament for dealing with International Questions.

In the Speech from the Throne at the opening of the States-General mention is made of the relations of the Netherlands

with foreign States. The First Chamber (or Senate) have retained their right of replying to the speech, and have thus an opportunity of expressing their views upon international questions. The Second Chamber (the representative body) have not made use of this right of reply since 1906, in order to save delay in proceeding to the consideration of the estimates, when they have ample occasion for dealing with international questions.

The Foreign Office estimates form chapter iii of the budgets, which are presented to the Chamber in the autumn of each year.

Early in the autumn the Minister for Foreign Affairs lays before the Chamber an Orange Book, showing the work of his department during the course of the year. The two Chambers of the States-General are divided by lot into five divisions or sections, in which the preparatory examination of the Bills—including the budgets—takes place. Each section appoints a reporter, and the five reporters form a committee, who draw up a report embodying the results of the examination by the sections. This report is laid before the Second Chamber for consideration. It is "preliminary" if a written reply is required from the Government; otherwise it is a "report." Before laying their report before the Chamber the reporters may consult with the Government, either in writing or verbally. The criticisms of the sections and the exchange of views with the Government are then laid before the Chamber together. Sometimes Bills of a particularly complicated or technical nature are submitted to a committee of preparation, but this is not usual in international matters.

The sittings of the sections are private, and the committee of reporters may withhold from publication portions of the sections' criticisms if they deem it desirable. This frequently occurs in connection with foreign affairs. The sections cannot transact business while the Chamber is actually sitting, though the committee of reporters can do so.

The Minister for Foreign Affairs replies to the criticisms of the sections in a written "memorandum of reply," while he may, if necessary, introduce changes in the original Bill. If the committee of reporters consider the subject-matter to be sufficiently elaborated, they confine themselves to proposing, in a "final report," to proceed to public discussion. A date is then fixed for the debate on foreign affairs, when the deputies have a

further opportunity of expressing their views, and the Minister can throw further light upon questions of international interest.

The debate is divided into three parts :—

1. General consideration of the measure, or consideration of its principal portions separately, corresponding to the debate on the second reading of a Bill in the House of Commons ;

2. Consideration of the separate articles, corresponding to the committee stage of a Bill ; and

3. Consideration of the preamble, which is of little importance.

No member may, without permission, speak more than twice upon the same subject, and in the general consideration a member may only speak a second time with the permission of the Chamber, and then it is customary not to exceed ten minutes. He may speak a third time with the permission of the Chamber. If the measure has undergone alteration in the course of its passage through the Chamber, the vote is then taken after a second reading. A third reading may take place if required, although it is not usual.

After the measure has passed the Second Chamber it is sent to the First Chamber, where it undergoes the same process of treatment as in the Second Chamber, excepting that the right of amendment which the Second Chamber enjoys is not enjoyed by the First Chamber. This body must either accept or reject a Bill. In either case it is then sent to the Sovereign, who has the right either to approve or reject a measure passed by the Chambers.

Secret Session.

The sittings of the Chambers are public. The doors may be closed if the Chamber agrees to a motion to that effect emanating from one-tenth of the members present, or from the president. A decision can be taken when the doors are closed. Secrecy regarding the matter treated *in camera* may be imposed should the president or one of the members so desire.

International questions may further be dealt with by the Chamber by means of :—

1. *A Motion of Order.*—This must be supported by five members. It comes up for consideration, and may then be sent for examination to the sections if the Chamber should so desire. These motions may be :—

- (1) Appreciative.
- (2) Stimulative (i.e. expressive of a wish that a measure should receive support).
- (3) Destructive (to close further discussion of a measure, and thus to postpone it indefinitely).
- (4) Expressive of disapproval of the conduct of affairs by the Minister or his department. This is equivalent to a vote of censure entailing the fall of the Minister.

2. *Interpellations*.—A member requires the consent of the Chamber before making interpellations, and the Chamber fixes the date on which the questions are to be put. The object of an interpellation is to obtain information upon matters foreign to the order of the day. The Minister concerned is invited to be present when the questions are put, in order to reply to them. If he is present, and provided the matter is urgent, the interpellation may take place at once without a date being previously fixed. The procedure is the same in both Chambers.

3. *Question Day*.—International questions may, moreover, be dealt with on what is known as “question day” in the Second Chamber. In 1906 it was decided to fix upon a definite day for putting questions to the Government. Soon after the session commences the Second Chamber decides which day of the week shall be considered as “question day.” The questions must be brief and clearly stated, and are put to the Minister concerned by the president of the Second Chamber, who can refuse to put them if there is reason to object to them. Contrary to the practice obtaining in the case of interpellations, discussion is not allowed when questions are put. The member who puts the question may, after receiving the reply, ask to be further enlightened upon certain points. The Minister may reply in writing, in which case the matter is not treated further verbally. He may also refuse a reply if he should consider this in the interests of the country. The Chamber can ask for documents to be laid before it, but the Government have the right to refuse this should they deem it contrary to the interests of the State. In the First Chamber there is no “question day.”

4. “*An Enquête*” (or *Investigation*) can be held by the Chamber (through a committee of its members) in regard to the conduct of affairs by a Minister or respecting other matters, though this would not be easy without the Minister’s consent.

5. *Address to Sovereign.*—Both Chambers have the right of sending addresses to the Sovereign. Although this right is mostly used for events connected with the Royal House, it may relate to other matters.

The Sovereign and Treaties.

Mention may finally be made of the power of the Sovereign in respect of international questions and his relationship to the States-General in the matter.

The Sovereign has the supreme conduct of foreign relations. He declares war and at once gives notice thereof to the two Chambers of the States-General with the addition of such communications as he considers consistent with the interest of the State. He need not conclude peace if he does not wish to do so, but the States-General can refuse to vote the funds necessary for carrying on a war.

The Sovereign concludes and ratifies all treaties with foreign Powers. He communicates the contents of those treaties to the States-General as soon as he judges that the interest of the State permits such communication.

Treaties concerning modification of the territory of the State, imposing monetary obligations on the kingdom, or containing any other provisions relating to rights by law established, are not ratified by the Sovereign before they have been approved by the States-General. This approval is not required if the Sovereign has reserved to himself by law the right to ratify the treaty without the consent of the States-General.

It frequently happens that the Chamber select a committee from among their body to investigate :—

1. Whether the treaty is in the interests of the State, and to report thereon.

2. Whether the treaty requires the approval of the Chamber, in which case the Government would have to ask the Chamber for their approval in the form of a Bill.

3. Whether it can recommend the Chamber to approve the treaty. The Chamber usually abide by the decision of the committee. In the case of the North Sea Convention (1908), the committee decided that the approval of the States-General was not required to this Act.

RUSSIA

No. 16.

Sir G. Buchanan to Sir Edward Grey.—(Received February 8.)

ST. PETERSBURGH, February 5, 1912

SIR,

With reference to your circular dispatch of the 20th November last, I have the honour to report that the discussion of international questions in the Russian Legislature is regulated as follows :—

By the fundamental laws of the Empire, sections 12 and 13, the Emperor is supreme arbiter of all relations of the Empire with foreign Powers, and to him is reserved the management of the international policy of Russia ; he declares war and peace, and also concludes treaties with foreign Powers.

This prerogative is jealously guarded, and all questions thus specifically assigned to the Emperor alone are understood to be excluded from the competence of the Legislature. Consequently foreign affairs can only be discussed in the Duma when the budget of the Ministry of Foreign Affairs is presented, after previous consideration by the Budget Commission. The functions of this commission are, however, purely financial, and no special commission exists to deal with foreign affairs such as exist for questions of defence, finance, legislative proposals, etc. The Minister for Foreign Affairs can make a statement on foreign policy only by special command of the Emperor. The Duma has, however, the same powers of refusing credits in the case of the budget of the Ministry of Foreign Affairs as in the case of the budgets of other Ministries.

I have, etc.,

GEORGE W. BUCHANAN

UNITED STATES OF AMERICA

No. 23.

Mr. Bryce to Sir Edward Grey.—(Received February 14.)

WASHINGTON, January 31, 1912

SIR,

I have the honour to transmit to you herewith the enclosed report by Mr. Mitchell Innes, councillor of this embassy, prepared in pursuance of your circular of the 20th November. It

examines the subject carefully, and will, I trust, be read with much interest.

Upon the general subject it is sufficient to say that when the United States constitution was formed, the question arose as to the authorities of the Government in which the control of foreign relations should be vested. To have given it to the executive alone, following the precedent of England, seemed open to objection as entrusting to him a range of discretionary power which might easily have been abused. On the other hand, to confide it to any council would have made negotiations much more difficult, and probably have impeded prompt action in cases where promptitude was needed. The result was the plan of entrusting the initiative to the executive and the power of sanction to the Senate, which was intended, being a small body at the time the constitution was made, to be, although elective, something resembling the older forms of the English Privy Council. It was thought that a comparatively large body like the House of Representatives was not well fitted to join in the exercise of such functions.

The capital difference between the United States system and our own lies in the fact that here the President holds office for a fixed period by direct commission from the people, irrespective of the Legislature, while in Great Britain the Ministry is dependent on the confidence and support of the House of Commons. Had the people of the United States left the control of foreign affairs and the treaty-making power entirely in the hands of the executive, they would have given to it a power greater, because unchecked by the Legislature, than a Cabinet enjoys in England. If a President had resolved to follow a course deemed dangerous by the Legislature, there would have been no means of stopping him in that course until the end of his term, except, indeed, by the extreme method of impeachment—a tedious method and one hard to apply in practice. It was therefore deemed necessary to associate the Senate with the President in this important function. In Great Britain the practice has been to allow the Cabinet to use the ancient powers of the Crown with comparatively little interference by Parliament, because the House of Commons has, by its practice of interrogating Ministers, the means of knowing what course in foreign affairs they are following, and, if it disapproves that course, of indicating its disapproval. Each country can therefore advance solid reasons on behalf of its own system.

I have, etc.,

JAMES BRYCE

Enclosure in No. 23.

Memorandum on the Powers of Congress in relation to Foreign Affairs.

Specific reference to foreign relations is made in several places in the constitution of the United States. In section 8 of article 1 it is declared that the Congress shall have power to regulate commerce with foreign nations, to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water. And there are other paragraphs of the same section empowering Congress to raise an army, maintain a navy, and to call forth the militia to repel invasion.

Then section 10 provides that no State shall enter into any treaty, alliance, or confederation; and another paragraph of the same section forbids a State to enter into any agreement or compact with a foreign Power without the consent of Congress, or to engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

In section 2 of article 11, the President is given power, by and with the consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and to nominate, and by and with the consent of the Senate to appoint, Ambassadors and other public ministers and consuls. In the next section the President is authorized to receive Ambassadors and other public ministers.

There are two other important provisions in the constitution touching on foreign relations. One is in article 3, and provides that "the judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and *treaties made, or which shall be made, under their authority.*" The other is in the provision in article 6, which says that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

It will appear on consideration that the provisions of the constitution which I have mentioned give much power to Congress. In the first place, war can only be declared by a resolution of both Houses. Peace, on the other hand, must be made by the President and the Senate, in virtue of their treaty-making power.

The President alone can negotiate a treaty, but he cannot ratify it without the consent of the Senate, two-thirds of the members present concurring. There has been no settled practice as to the stage at which the consent of the Senate shall be sought. In the early days of the union, it was Washington's custom to consult the Senate by message, or even on one occasion in person, before beginning negotiations. In 1790, for example, in a communication to the Senate concerning difficulties that had arisen with England, he said that he thought it advisable to postpone negotiations till he had received its advice on the subject. Again, two years later, he inquired whether it would approve a treaty with Algeria on lines indicated. In the same year, when commissioners were appointed to negotiate with Spain as to the navigation of the Mississippi, their instructions were communicated to the Senate for their approval. In 1846 President Polk submitted the proposed Oregon Treaty to the Senate before concluding it, and in 1861 President Buchanan did the same thing with reference to a misunderstanding which had arisen on the interpretation of that treaty. President Lincoln, and subsequent Presidents, took the same course sometimes, but the practice gradually dropped, and it became usual, instead of officially consulting the Senate as a body, to confer unofficially with prominent members, and especially with members of the Foreign Relations Committee. At times, when special commissioners have been appointed for special negotiations, and it has been thought necessary to obtain the confirmation of the appointments by the Senate, a general indication as to the object of their mission has been submitted.

The right of the Senate to concur in the appointment of such commissioners arises out of the clause of the constitution which I have already mentioned, namely, as to the appointment of Ambassadors. Besides the special officials who are mentioned, the appointment of whom is subject to the consent of the Senate, the paragraph continues, "and all other officers of the United States whose appointments are not otherwise herein provided for, and which shall be established by law." But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments. Cases can readily be conceived in which there might be room for doubt as to whether or not the consent of the Senate would be necessary.

There are enough cases, however, in which there is no doubt,

to make the right of the Senate one of considerable importance in foreign relations.

Since 1815, when the treaty of peace with Great Britain was signed, the practice of consulting the Senate as to the appointment of negotiators has only been resorted to in exceptional cases. Nearly one-third of all the treaties concluded have been signed at Washington by the Secretary of State, while a large proportion of the remainder have been negotiated through the regular diplomatic channels, confirmed as such by the Senate, on their original appointment. Some treaties have, however, been negotiated by special agents unauthorized by the Senate, and there have been several protests from that body in consequence.

The Senate frequently uses its power to introduce modifications into the text or to append a rider, giving its approval subject to such modification. The Jay Treaty with Great Britain, for example, in 1795, was consented to on condition that an article should be added suspending the operation of so much of the 12th article as related to the trade between the United States and the West Indies, and the Senate further advised the President "to proceed without delay to further friendly negotiations with his Majesty on the subject of the said trade, and of the terms and conditions in question."

The question immediately arose as to whether this was a final ratification of the treaty, or whether the proposed new article would also have to be approved by the Senate, and the question was decided in the negative. Sometimes the rider, as in the case of that added to the Canadian Waterworks Treaty, may merely be explanatory or amplificatory.

Treaties have often failed to meet with the approval of the Senate, and it may be sufficient to mention the following cases of treaties between the United States and Great Britain: that of 1869 for the adjustment of outstanding claims, that of 1886 for the extradition of criminals, that of 1888 for the regulation of fisheries, and that of 1897 for the settlement of disputes by arbitration. The failure of the recent attempt of President Roosevelt to make arbitration treaties without submitting the "compromis" to the Senate in each case will also be remembered.

Sometimes a treaty, even when amended in the Senate, has failed to obtain the necessary two-thirds majority, and sometimes the Senate has recalled its motion of amendment or rejection and has finally given its approval.

According to a rule of the Senate, "all treaties which may be

laid before the Senate, and all remarks, votes, and proceedings thereon, shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session." Hitherto the only treaty which has been discussed in open session was the fisheries treaty of 1888. But it by no means always follows that the terms of the treaty are kept secret, or even the proceedings in the Senate. Sometimes the State Department communicates the substance of a treaty to the press. The debate on the pending arbitration treaties with France and Great Britain is being conducted with open doors.

Owing to the uncertainty which surrounds the action of the Senate and the difficulty which foreign countries find in the situation—they being practically absolutely bound by the treaty when signed, while the United States are not bound—considerable unwillingness has often been expressed in other countries as to entering on treaty obligations with the United States. Gradually, however, other countries are coming to regard with more equanimity a situation for which there is no remedy. Though, according to the constitution, the initiative in treaty matters rests solely with the President, yet there are cases much resembling treaties in which Congress has taken the lead. Thus the Republic of Texas, the independence of which was not recognized by Mexico, was admitted into the Union by a joint resolution. The cession of the Republic of Hawaii was accepted in the same manner. By an Act of Congress in 1901, known as the "Platt Amendment," the independence of Cuba was made subject to the Constitutional Government accepting certain conditions, one of which was the cession of a naval station.

So much, then, for the negotiation and ratification of treaties. I now come to the method of terminating them. As the constitution has declared treaties to be the supreme law of the land, it is evident that a nice constitutional question may be involved in the determination of how such a law should be repealed. There has been some doubt as to who is the proper authority to decide the termination of a treaty, and a different method has been employed on different occasions.

The famous three treaties with France, which were made by the continental Congress during the war of revolution—the treaty of commerce and navigation, the treaty of alliance, and the secret treaty admitting Spain to the alliance—were abrogated by a joint resolution of Congress signed by the President, which

declared that, since they had been repeatedly violated on the part of France, the United States was freed and exonerated from them, and that they should not henceforth be regarded as legally obligatory on the Government of citizens of the United States. The French Government, however, refused to recognize the Act of Congress by itself as sufficient to annul the treaty. When it was desired to terminate the treaty of 1827 with Great Britain the President asked Congress to give him the necessary authority. President Pierce, in 1855, before terminating the treaty with Denmark relating to the payment of dues in the Sound, asked for authority from Congress. The Senate, however, alone passed a resolution, and the President, acting on it, gave the required notice. The point was subsequently raised in Congress, and was referred to a committee, which reported in favour of the action taken by the President.

In the case of the Elgin treaty, which provided for reciprocity with Canada, notice of termination was given in 1866, by virtue of a joint resolution to that effect, signed by the President. The fishery articles of the Treaty of Washington of 1871 were terminated by a notice given of the passage of the joint resolution.

In the case of some of the treaties thus abrogated by a joint resolution, legislation had been required for their enforcement, and the resolution had the effect of repealing these laws.

In the case of the Rush-Bagot agreement for the limitation of armaments on the Great Lakes, President Lincoln in 1864 gave notice to England to terminate the agreement without consulting the Senate, although it had been originally submitted to that body and had received their approval. Before the date fixed for the termination of the agreement arrived, Mr. Lincoln, without consulting Congress, withdrew his notice, and the agreement is still in force.

The procedure in the recent case of the notice to terminate the treaty of 1832 with Russia was similar to that in the case of the Rush-Bagot agreement. The House of Representatives passed a resolution for the purpose of terminating the treaty, and sent it to the Senate. In the meanwhile, the President, ignoring the resolution of the House, gave notice of termination to the Russian Government on his own initiative, and requested the Senate to approve his action. Its approval was given, and the House of Representatives passed a similar resolution.

In 1899, President McKinley gave notice to Switzerland terminating certain reciprocity clauses of the treaty of 1855, without

reference to Congress, and the treaty was thus terminated without either House taking any steps in the matter.

It will be seen from the instances given above that there is no settled method of terminating a treaty, but it may be taken that the safest rule to follow, when the initiative is not taken by Congress itself, is for the President to ask the Senate to ratify his action. If, however, the treaty operated within the United States in virtue of an express law, the President would have no power to act alone, an Act of Congress being necessary for the repeal of the law.

If, on the other hand, the initiative comes from Congress, and a joint resolution is passed terminating a treaty, this resolution, like every other Act of Congress, is subject to the constitutional right of the President to exercise his power of veto, and should he exercise that right it can then only become effective if passed again in Congress by a majority of two-thirds of all the members. When this occurs, the President is bound to act on the resolution. A declaration of war passed by both Houses can likewise be vetoed by the President and passed again in the same manner.

Generally speaking, a resolution of Congress has the same force as a Bill. "Every order, resolution, or vote," says the constitution, "to which the concurrence of the Senate and the House of Representatives is necessary (except on the question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a Bill."

This characteristic of a resolution of Congress, namely, that it has the force of a law, is, however, subject to, at any rate, one exception, which will be mentioned shortly.

Owing to a treaty being the law of the land, it can be modified by subsequent legislation, and in several cases in which legislation has been passed incompatible with the existing treaty the provisions of the treaty have been held to be thereby modified.

I mentioned just now that the President alone has the right to initiate negotiations for a treaty, but there have been frequent instances in which Congress, by action of both Houses, has requested the President to enter into negotiations with a foreign Power upon a specific subject. For instance, an Act passed in 1906 asked the President to enter into negotiations with a view

to a treaty for the preservation of the Niagara Falls. Similarly, a resolution might be passed for the recognition of a new Government in a foreign country, and though, the initiative belonging to the President alone, such resolutions would not be binding on him, they would have great weight. Resolutions have also from time to time been passed in one House or the other disapproving a certain line of policy.

When once a treaty has been ratified it is more independent of the legislative body than is the case under the English system. This is not the place for a discussion of the circumstances under which legislation becomes necessary to the enforcement of a treaty, but I may briefly remark that, a treaty being the supreme law of the land, it is, *prima facie*, enforceable as a law. This does not mean to say that in every case a treaty can become operative without legislation, but there are many instances when the same treaty would require legislation in England, but would not require it in the United States. For instance, in the case of the recent treaty establishing a joint commission for deciding disputes in questions concerning the boundary waters between Canada and the United States, the commission has been given certain powers, and the citizens of the two countries have been granted certain rights. In Canada it has been necessary to pass a law to give effect to these powers and rights, but in the United States it has been held that they will become operative without legislation.

An interesting case of the power of the courts to enforce treaty rights arises under the most-favoured-nation clause, with reference to the recent law granting certain customs and privileges to Canadian wood pulp, etc. Several European countries have claimed that they are entitled to all the customs and privileges granted to Canada, and they have been advised by the State Department that they can bring their claim before the competent court.

As a general rule the Legislature has nothing to do with the interpretation of treaties. From time to time, however, the President has sought the advice of the Senate upon a knotty point. For example, the French Government, when Washington was President, complained that certain acts of Congress infringed the treaty of 1778, and the President, before replying, consulted the Senate as to the interpretation of the treaty. The Senate gave its advice in a resolution. Again, when a question arose in 1868 between the Sublime Porte and the United States

as to the interpretation of article 4 of the treaty of 1830, the question was referred to the Senate for its advice. Similarly, in 1861, a decision of the claim commission, given under a treaty with Paraguay, was communicated to the Senate for its opinion; and an award of the King of the Netherlands under an arbitration convention was submitted to the Senate by President Jackson, and was held by it not to be binding.

While I have so far confined my observations to treaties and agreements which require the approval of the Senate, as expressed in a majority vote of two-thirds of the members present, I now come to the discussion of foreign compacts of various kinds which may escape this particular ordeal.

In the first place there are "agreements and compacts" between the several States, or between a State and a foreign country. Such compacts and agreements may, as I have said, be entered into with the consent of Congress—that is to say, by a simple majority vote of both Houses.

The only instance, so far as I know, of agreements between States and a foreign country, arose out of the boundary dispute with Great Britain as to the boundary of Maine and Massachusetts and New Brunswick.

The first temporary arrangement was made between the Secretary of State and the British Minister. The second was made through an intermediary, directly with the Governors of Maine and Massachusetts. Finally, when the boundary-line was settled by the Webster-Ashburton treaty, a question of the division of some money remained outstanding, and was settled by representatives accredited by the British Minister and the Secretary of State. Curiously enough, neither of these three agreements received the assent of Congress as required by the constitution.

More interesting, however, for the present purpose, are the agreements which may be binding not on an individual State, but on the United States, though not approved by two-thirds of the senators, or in some cases, indeed, by either branch of Congress.

Many agreements have been made with foreign countries, in virtue of an Act of Congress, either specially authorizing the President to enter into agreements of a certain nature, or under certain circumstances, or granting him a power which implied the right to make agreements. Agreements made under these circumstances are not submitted to the Senate for its approval. In 1809 the Non-Intercourse Act was passed forbidding trade with Great Britain and France on account of the orders in

council and decrees interfering with American trade. The President was authorized to suspend the Act if the orders or decrees were revoked. Shortly afterwards Mr. Erskine, the British Minister, offered reparation for the attack on the *Chesapeake*, and announced the willingness of his Government to recall the order if the United States would renew intercourse. Notes were exchanged and commerce was re-established by a presidential proclamation. Mr. Erskine's action was, however, disavowed by the British Government, and the war of 1812 ensued in consequence. An Act of 1830 authorized the President to suspend the tonnage and importation dues under certain conditions.

The Platt amendment, already mentioned, authorized the President to agree with the Cuban Government for the acquisition of naval and coaling stations.

Trade-mark agreements may be entered into without the consent of the Senate, in virtue of the law of 1881, authorizing reciprocal privileges to other countries on certain conditions.

Postal agreements are made on the authority of the Postmaster-General, with the approval of the President.

The greater part of such agreements have been made in relation to custom dues, by special provisions of the various Tariff Bills. For example, the Tariff Act of 1890 authorized the President to enter into commercial agreements granting special rates on certain articles to those countries which gave reciprocal concessions. This Act was attacked before the court as being unconstitutional, on the ground that it delegated the treaty-making power of the Senate to the President. It was, however, upheld. The Tariff Act of 1890 likewise gave power to the President to enter into agreements as to certain articles, and the last Tariff Act gives discretionary powers to the President as to the granting of the minimum scale of duties, provided that other countries do not discriminate against the United States. This provision has resulted in a number of commercial agreements.

Then there are certain cases in which agreements are made without any action on the part of Congress. Such are preliminaries of peace, signed by the President in his capacity of commander-in-chief, and protocols intended to be embodied in formal treaties which require the approval of the Senate.

Of a different nature are the reciprocal arrangements come to with Sweden in 1875, and with Spain and the Netherlands in 1878, dispensing with the measurement of vessels for the pur-

pose of estimating the tonnage dues. This procedure was not authorized by law until the year 1882.

In 1890 an "Explanatory Protocol" was signed by the United States Minister in Athens regarding the right of joint-stock companies and commercial corporations of the United States and Greece to carry on business each in the territory of the other country.

In 1882 an arrangement was entered into with Mexico by a mere exchange of notes, without consulting the Senate, whereby the two countries agreed to permit the forces of the other to cross the boundary in pursuit of marauding Indians.

The President has always assumed the right to negotiate *modus vivendi* on his own responsibility. A very important agreement of this nature was the *modus vivendi* of 1889 as to the Alaskan boundary, which continued in force for years till the question was finally arbitrated.

In 1892 a *modus vivendi* was signed with Great Britain with reference to the dispute over the seal fishing in the Behring Sea. In 1885 the privileges of the fisheries articles of the Treaty of Washington of 1871 were extended by an exchange of notes till the end of the fishing season. The latest instance of the kind is the *modus vivendi*, which was renewed when necessary, regulating temporarily the difficulties which had existed for a century regarding the rights of American fishers in British waters in the North Atlantic.

Other agreements which have been concluded without the advice of the Senate are those by which a United States official or citizen has been appointed to arbitrate difficulties between two foreign countries.

Then, again, many claims of American citizens against foreign Governments have been settled by agreements which have not been submitted to the Senate. Some of these claims have been settled by direct negotiation, and others by means of arbitration. Such arbitrations have been fairly numerous. Before 1870 it seems to have been the rule to submit them to the Senate, but since that date the practice has been dropped. On the other hand, no agreements have been made for the settlement of claims against the United States without the approval of the Senate, no doubt for the reason that the claims could not be paid without a Bill in Congress.

One of the most recent cases of an agreement made by a simple exchange of notes was that made by President Roosevelt

with Japan, which, following the example of one of the provisions of the Anglo-Japanese Treaty, provided for an exchange of views between the two Governments should anything arise to threaten the *status quo*. The action of the President gave rise to some discussion, but its propriety was not officially called in question.

The question of the right to determine matters of internal policy by treaty has been much debated. During the recent negotiations for reciprocity with Canada there were many articles in the press discussing the question whether the existing tariff could be altered by a treaty with Canada. The point did not, however, come up in a practical form, and there has usually been no friction between the two Houses. If a treaty approved by the Senate requires legislation or a money appropriation, as in the case of the 20,000,000 dollars paid to Spain for the Philippine Islands, its provisions are concurred in by the House of Representatives as a matter of course.

Both Houses have unlimited opportunity for discussing foreign affairs. In the Senate it is usual for the discussion to take place in what is called "executive session." From these sessions the public is excluded, and the proceedings are confidential. As an exception to this rule, the pending arbitration treaties will, on account of their great public interest, be discussed in open session. In the House of Representatives all debates are open.

Of all the portions of the mechanism, by means of which the business of Congress is carried on, the standing committees of the two Houses are by far the most important. Every branch of the work is dealt with by its appropriate Committee, to one of which every Bill or resolution is referred. The Committee reports to the House, and the report is generally accepted. Action is rarely, if ever, taken on a Bill before the committee reports, and thus, by refusing to report, the committee can usually crush an unwelcome Bill at its inception. There is a committee dealing with diplomatic affairs in each House of Congress. That in the Senate is called the Committee on Foreign Relations, and consists of fifteen members, nine from the party of the majority and six from the minority. That in the House of Representatives is known as the Committee on Foreign Affairs, and consists of twenty-one members, fourteen from the majority party and seven from the minority. Owing to the position of the Senate as a branch of the treaty-making power, the Senate committee is much the more influential and important of the two, and membership of this committee is a coveted honour. The two

committees are entirely independent of one another. They are, indeed, regarded as even more independent in their procedure than the two Houses, and, as far as I can gather, they never meet together.

In both Houses there is chosen at the beginning of each session what is called the committee on committees, which is organized to name the members of the standing committees, and the caucuses of the respective parties choose the majority and minority members of this committee. The majority and minority members in each case make separate recommendations which are adopted by the full committee. The respective Houses may amend or reject these recommendations, though in practically every instance the names recommended are accepted. As the House of Representatives is elected afresh every two years, the members are nominated after each dissolution. In the Senate, however, owing to the fact that the members sit for six years, and only one-third is re-elected every two years, the duty of the committee on committees is restricted to the filling of vacancies and the making of the necessary changes in the membership when there is a change in the political control.

In the Senate there is a fixed rule of precedence. Those first appointed rank on the committee according to the date of their appointment ; that is to say, the member with the longest service on the committee among those of the dominant party acts as chairman.

In the House of Representatives, however, there are not infrequently changes in the order. The senior member is not always appointed to the chair, and occasionally some one not formerly a member is appointed.

Prior to the 4th March, 1911, when a change of procedure voted in the previous session was adopted, all the standing committees of the House of Representatives were chosen by the Speaker.

In the House of Representatives the chairman is chosen from the dominant party in that House, though there was an exception in the case of John Quincy Adams, who had been President, and was afterwards a member of the House of Representatives. He was made chairman of the Committee of Foreign Affairs, though he was of the minority.

The committee have the power to summon witnesses and to compel their attendance. They have no absolute right to inspect the documents of the administration, and the President and his officers are not bound to give them information. But a request for documents or information addressed by the chairman of the

committee to the President or the Secretary of State is in almost all instances complied with. Frequently requests for information on foreign affairs or other matters are made by resolutions in either House, and in such resolutions, when the request is addressed to the State Department, the qualifying phrase is used, "if not incompatible with the public interest."

A request for information is usually made by the chairman of the committee, when it relates to confidential matters, and by means of a resolution when the matter is of more general interest, and it is desirable that the information be made public.

The deliberations of the committee are always secret, except when evidence is being taken, or when some one interested in the matter under investigation wishes to be heard before the committee. The details of a subject are generally referred to a sub-committee, which reports to the full committee. Their reports are usually confidential.

There is no general rule observed regarding the relations between the executive and the committees on foreign affairs. The President does not call a committee to the White House, but, owing to the important part played in all matters concerning war treaties, the practice of consulting the leading members of the Senate committee is becoming more and more frequent, both on the part of the President and the Secretary of State. In several instances Secretary Hay, after finding that treaties he had framed, such as the original Hay-Pauncefote treaty relating to the Panamá Canal, were not favourably received by the Senate, called into consultation members of the Senate committee before the treaty was signed.

There is nothing exactly corresponding to the English blue-books, but two classes of documents or reports have the same effect :—

1. Those made by executive officers, such as the periodical Messages of the President, in which he sets forth the condition of the foreign relations of the country, and the reports on commercial relations issued by the Senate Department.

2. Reports to Congress by the committees or other reports ordered to be published by either House. These are printed as public documents, and are frequently inserted in the "Congressional Record," which is the daily account of the proceedings of Congress.

WASHINGTON, January 31, 1912.

APPENDIX III

CONDITIONS OF ENTRY INTO THE BRITISH DIPLOMATIC SERVICE

[*Extract from Parliamentary Paper Miscellaneous No. 4 (1912), Cd. 6100.*]

Foreign Office Memorandum.

1. Examinations for the Diplomatic Service.

Candidates desirous of competing at examinations for the diplomatic service must be recommended by some person who is known to the Secretary of State, or on whose judgment the latter can rely.

University candidates should send in their applications through the University Appointments Committee, or the heads of their colleges, and those who have not received a university education may apply through the head of the school or institution in which they have been educated. If they have been employed in any business firm of high standing, or in any Government Office, a recommendation from such firm or office would be taken into favourable consideration. *It is essential that any person recommending a candidate should himself be personally acquainted with him.*

The recommendation should assume the form of a private letter to the Secretary of State containing a few personal notes on the candidate's qualifications for employment under the Foreign Office.

No candidate will be eligible unless he be a natural-born British subject and born within the United Kingdom of parents

also born therein, except when the circumstances are of such a special nature as to justify a departure from the general rule.¹

Candidates, in applying to have their names noted on the Secretary of State's list, should send to the Private Secretary at the Foreign Office a statement giving their name in full, the date of their birth, the establishments at which they were educated, and their permanent address.

The names of those candidates whose recommendations are accepted by the Secretary of State are then placed on the list of candidates for nomination, but it should be remembered that the fact of a name being noted in no case implies the promise of an eventual nomination.

Before a nomination can be granted, candidates will be required to appear before a Board of Selection, which will meet at the Foreign Office in May and November for the Foreign Office and Diplomatic Services.

It will be the function of this Board to recommend candidates to the Secretary of State, with whom it will rest to grant nominations.

Candidates who have failed to pass their examinations before the Civil Service Commissioners and are anxious to compete again should notify their intention in writing to the Private Secretary, who will then inform them if the Secretary of State consents to grant them a second nomination.

Candidates for the diplomatic service must possess an income or allowance of not less than 400*l.* a year.

Candidates for attachéships in the diplomatic service, who have been nominated by the Secretary of State for Foreign Affairs, are required to attend at the combined open competitions for the Home Civil Service (Class 1), India Civil Service, and Eastern cadetships, which usually begin on or about the 1st August in each year. They must have attained the age of twenty-two and must not have attained the age of twenty-five on the 1st day of August in the year in which the examination is held. No candidate will be nominated unless he be a natural-born British subject and born within the United Kingdom of

¹ The granting of a nomination after the candidate has appeared before the Board of Selection implies that the Secretary of State has seen his way to grant the special permission necessary for candidates who do not fulfil the regulations laid down as to birth.

parents also born therein, except when the circumstances are such as to justify a departure from the general rule.

At the examinations, exercises will be set in the following thirty-eight subjects only. (Here follow the subjects of examination.)

From the marks assigned to candidates in each subject such deduction will be made as the Civil Service Commissioners may deem necessary in order to secure that no credit be allowed for merely superficial knowledge.

Consistently with the limitations specified above, candidates are at liberty to name any of the foregoing subjects, provided that the maximum number of marks that can be obtained from the subjects chosen is limited to 4,000. If this maximum is exceeded by a candidate's selection he will be required to indicate one of his subjects the marks for which should, in his case, be reduced so as to bring his maximum marks within the prescribed limit. The marks so reduced will be subject to a correspondingly reduced deduction.

Moreover, if a candidate's handwriting is not easily legible a further reduction will, on that account, be made from the total marks otherwise accruing to him.

(3) *Sections 1 and 2 of Regulations for His Majesty's Diplomatic Service.*

1. The services of attachés will reckon from the date of the certificate granted by the Civil Service Commissioners, and will be considered as probationary for two years from that date, during which period the attachés must have been employed in the Foreign Office, and must also have actually resided at one of His Majesty's embassies or missions abroad, or have been actually employed in the Foreign Office for such a time as in the aggregate will make up the requisite period, exclusive of any leave of absence. The time, however, necessarily employed in journeys to and from their posts will be allowed to count towards the completion of the required term. If these conditions as to employment and residence have not been fulfilled at the expiration of two years from the date of the certificate of the Civil Service Commissioners, the probationary period will be prolonged until they have been fulfilled.

2. Commissions as third secretaries under His Majesty's Sign-

Manual will be granted to attachés on the termination of the probationary period, and on the fulfilment of the conditions specified in the present regulations, together with a salary at the rate of 150*l.* a-year; provided that their general character and conduct, during the time they have served, have been satisfactory; and that the Ambassador or Minister under whom they have last served certifies that, as far as he has the means of forming an opinion, they understand and speak French well, and also one other foreign language.

(4) *Statements showing the Salaries of His Majesty's Ambassadors abroad.*

	£
Austria-Hungary ...	8,000
France ...	11,500
Germany ...	8,000
Italy ...	7,000
Japan ...	5,000
Russia ...	8,000
Spain ...	5,500
Turkey ...	8,000
United States ...	10,000

Residences are provided at the public expense.

FOREIGN OFFICE, December 12, 1911.

APPENDIX IV

EXTRACTS FROM FIFTH REPORT OF THE ROYAL COMMISSION ON THE CIVIL SERVICE (CD. 7748, 1914)

Commissioners.—Lord MacDonnell (Chairman), the Duke of Devonshire, the Bishop of Southwark, Sir Kenneth Muir Mackenzie, Sir Henry Primrose, Sir Donald MacAlister, Sir W. G. Granet, A. C. T. Beck, M.P., A. A. Booth, A. Boutwood, J. R. Clynes, M.P., S. J. G. Hoare, M.P., R. D. Holt, M.P., P. E. Matheson, A. E. Shipley, P. Snowden, M.P., Graham Wallas, Miss Haldane, Mrs. Streatfield.

THE DIPLOMATIC CORPS AND THE FOREIGN OFFICE

RECRUITMENT

1. We have described in the preceding chapter the earlier methods of recruitment and the successive changes which have led up to the system now in force. We now proceed to explain in detail what this system is, and what alterations we consider should be introduced into it.

The first step which must be taken by a candidate for admission to the Diplomatic Corps and to the Diplomatic Establishment of the Foreign Office is to obtain permission from the Secretary of State to appear before the Board of Selection. Such permission is given to those who possess the prescribed private income, and are known to the Secretary of State or are recommended to him by men of standing and position, on whose judgment he can rely, and who themselves know the candidates personally. If these conditions are satisfied, the candidates' names are placed on the Secretary of State's list, and they are informed that they are at liberty to appear before the Board of Selection.

This Board is at present composed of two permanent mem-

bers, viz., the Permanent Under Secretary of State, who presides, and the Principal Private Secretary of the Secretary of State ; of one or more members, selected on each occasion, as they happen to be available, from the Diplomatic Service ; and of one of the heads of the political departments of the Foreign Office. The Assistant Private Secretary is also a member and acts as Secretary to the Board.

The Board, which meets twice a year, interviews the candidates who have received permission to appear, and carefully scrutinizes their credentials. It then frames its recommendations and submits them to the Secretary of State, whose decision is final. We were informed that the Secretary of State accepts the recommendations of the Board unless he sees any strong reason to the contrary. In this way he is to some extent relieved from political or personal pressure in favour of any particular candidate.

Candidates who have been passed by the Board of Selection, and have been finally "nominated" by the Secretary of State, are placed upon the list for examination, and, subject to the prescribed conditions as to age, &c., are allowed to state the year in which they may desire to compete. There is no limitation of the number of competitors for any particular vacancy or vacancies.

The examination is conducted by the Civil Service Commissioners, and though, as already explained, there is no longer any difference in the tests applied for admission to the Foreign Office and the Diplomatic Corps, the candidates for the one branch of the service do not compete against the candidates for the other, the names being kept on separate lists, and competition being limited to those included in each list.

The examination is the same as that for the Home and Indian Civil Service (Class I.) except in two important respects, viz. :—(i) a higher qualifying standard is exacted in French and German, which moreover are obligatory subjects, and (ii) the maximum number of marks obtainable by the candidate is limited to 4,000 instead of 6,000. The reason for this limitation has been explained to us to lie in the special attention (involving residence abroad) which the candidate must devote to these modern languages, at the expense of attention to other subjects which he might have taken for the examination.

2. With the existing practice, as thus described, we find fault on two points. We consider, in the first place, that the prelimi-

nary permission required from the Secretary of State to appear before the Board of Selection is undesirable.

We have been told that neither political influence nor considerations of birth and family contribute in any degree to the decisions of the existing Board of Selection, and that the proportion of rejections is very small—"roughly speaking, about 2 per cent." It is said, in fact, that the system of nomination through the Board has been reduced to a system of eliminating, in the least objectionable or obtrusive way, those candidates whose previous records or personal qualities render them unsuited for a diplomatic career.

This appreciation of the existing system seems to lose sight of the necessity under which the candidate lies of obtaining the Secretary of State's permission to appear before the Selection Board. If this preliminary stage is retained, the Board of Selection must lose much of its usefulness, for all candidates who do not conform to a predetermined type may have been already eliminated. And this view borrows confirmation from the percentage of rejections referred to above. This fact was cited before us as proof of the Board's impartiality and freedom from prejudice. But it is also open to the interpretation that little scope is allowed the Board to perform the duties for which it is ostensibly appointed. We recommend accordingly that the names of all applicants for nomination should be submitted direct to the Board of Selection.

3. In the second place, the Board of Selection as now constituted is, in our opinion, too departmental. We recommend that it should be reconstructed as follows :—

- (1) The Permanent Under Secretary of State (Chairman).
- (2) One Assistant Under Secretary of State.
- (3) One member of the Diplomatic Branch of the Service.
- (4) The First Civil Service Commissioner.
- (5) A person of experience and repute unconnected with the public service.

One of the Foreign Office Private Secretaries should be Secretary to the Board.

We attach particular importance to the inclusion in the Board of the non-official member.

4. We consider the Board of Selection to be an essential part of the organization for recruiting the diplomatic establishment of the Foreign Office and the Diplomatic Corps.

It is true that in regard to the appointments in the Civil Establishments we expressed the view that "all such limitation as depends on personal selection by a Minister or an official should be abolished, and that the examinations should be thrown open to all candidates who fulfil the prescribed conditions. Thus there will remain only such proper and legitimate 'limitation' as confines candidates to those persons who can produce evidence of possessing prescribed qualifications, and certain kinds of training and experience which are desirable or requisite in a given situation."

While we adhere to these views in regard to the General Civil Establishments, we are clearly of opinion that the conditions of a diplomatic career call for certain qualities which are not equally essential in other branches of the Civil Service. It is impossible to describe in detail the qualities demanded by the peculiar conditions of the Diplomatic Service, but among them are powers of observation, good address, readiness to take responsibility, and above all the capacity to mix on easy terms with men of all classes in the countries to which diplomats may be sent.

We share the opinion that has been expressed or implied by all the previous Committees or Commissions appointed to inquire into the subject, that the test of competitive examination by itself is an insufficient means of selecting the men whom we require for our Diplomatic Service. There is needed in addition some process by which, without favouritism or hardship to the individual, candidates who are unsuited to the Diplomatic Service may be eliminated. We can conceive no process better adapted to the purpose than a well constituted and properly empowered Board of Selection.

This Board should not be precluded from making the fullest inquiry into the antecedents and the up-bringing of candidates, for these factors, as well as those emerging from the personal interview, are relevant in the estimation of their character, and of their probable suitability for a diplomatic career.

5. We pass on to the examinations which the nominated candidates are required to pass. At present, as we have already indicated, the examinations for the Diplomatic Service are separate from those for the Foreign Office, though the subjects of examination are the same. It is our opinion that one examination should suffice for both branches of the Service; and we recommend that this reform be introduced even if the larger amalgamation which we propose be not accepted.

6. We have already explained that the subjects of examination for Foreign Office Clerks and for Attachés in the Diplomatic Corps are the same as those in the Class I. examination for the Home and Indian Civil Services, but that the tests differ (*a*) in the smaller number of subjects which can be taken, and (*b*) in the high standard of proficiency in French and German required from candidates for the Foreign Office and the Diplomatic Corps.

The result of this system is that a candidate for the Diplomatic Corps or for a Foreign Office Clerkship who fails to win a place has practically no chance of succeeding in either the Home or the Indian Civil Service competitions which are held at the same time. The regulations provide, it is true, that such candidates "may, if they wish and are eligible in respect of age, be examined also as candidates in the combined open competition under the rules for that competition," but we have received evidence that in fact they do not present themselves as candidates for the combined open competition. The reason is to be found in the facts that some candidates wish to compete for the Foreign Office and Diplomatic Services only; or that they are over 24 years when they compete, and are, therefore, ineligible for the combined competition for which the maximum age is 24; or that they spend on learning French and German too much time to permit of their taking up the necessary number of subjects to ensure success in the combined competition.

We think that the existing regulations involve both hardship to the candidates and some loss to the Public Service. It may be presumed that some candidates, at least, on failure to secure a place in the Diplomatic Corps or the Foreign Office, would be glad of the opportunity to enter some other branch of Government employment; and it is also probable that, if this opportunity were afforded, the Foreign Service competitions would attract candidates from a wider area than at present.

But the object is to recruit the most efficient men for the Foreign Service, and as a thorough knowledge of French and German is essential for that Service, the prominence given in the examination to these languages must be preserved. From this point of view we have considered whether this prominence cannot be reconciled with the general scheme of the combined examination by the Class I. test.

7. In this connection we invite particular attention to the

suggestion made in evidence before us by the First Civil Service Commissioner that the alternatives permissible in the Class I. examination might be "readjusted so that people who take the subjects commonly taken by the Foreign Office clerks and the attachés should count for the whole total of the marks—that is to say, the 6,000." This view was amplified by Mr. Leathes in the course of his examination, and an indication was obtained from him of the modification which he had in mind. His evidence seems to us to give hope that such changes or improvements may be introduced into the syllabus of the combined competition by the Class I. examination as would make it suitable as a test for admission to the Foreign Service. While the high standard of linguistic proficiency necessary for that service would still be demanded, candidates would have a fuller opportunity than at present of showing knowledge of modern history, literature and thought. If this suggestion is adopted care should be taken, in the rearrangement of the examination, to ensure the maintenance of a high standard in these subjects. The matter is one which calls for careful expert examination, which can be most properly conducted by the Committee, whose appointment we have recommended for the purpose of inquiry as to the general suitability of the Class I. examination.

For our own part we have no doubt that it would be to the public advantage if the general scheme of the Class I. examination could be made applicable to recruitment for the Diplomatic Corps and the Foreign Office. We desire here to call attention to the recommendation which we made in para. 24, Ch. VIII., of our Fourth Report respecting the transferability of administrative officers between the various offices of State. We think that this principle might be adopted in the Foreign Office as in other public departments, and that liability to such transfer should be prescribed as a condition of Diplomatic employment.

The subsidiary changes required in the existing rules to give effect to our main suggestion would be few, consisting chiefly in assimilating the limits of age for admission to the Foreign Service to those in force for the Home and Indian Services; in allowing candidates for the Foreign Service at the combined examination to indicate beforehand their preference as to the service they wish to enter in the same way as candidates now indicate a preference for the Indian or for the Home Civil Service; and finally in making their acceptance as candidates for the Foreign Service depend upon their being passed by the

Board of Selection. Candidates should be permitted to present themselves before the Board at any time after they had reached (say) their 19th year of age.

THE SUBORDINATE ESTABLISHMENTS OF THE FOREIGN OFFICE

8. For the reasons which are given at length in our Fourth Report we recommend that in the Foreign Office, as in all the other Departments of State, the Second Division and the Boy Clerks should be replaced by clerks of the "Senior" or "Junior Clerical Class."

We invite attention to the evidence we have received from the Second Division Clerks in the Foreign Office as to the effect which the introduction of the Senior Clerical Class into the Office would have in removing the dissatisfaction which we are told does to some extent exist in the Division in respect of promotion.

ORGANIZATION

(i) *The Foreign Office Staff.*

1. The Foreign Office Staff consists of the following classes of Officers: (i) the Diplomatic Establishment; (ii) the Second Division (including the Staff Officers); (iii) the Boy Clerks, and (iv) the female Typists. The Legal Adviser and his assistant lie outside the scope of the present discussion.

2. The Diplomatic Establishment of the Foreign Office, corresponding to what we have elsewhere designated the Administrative Division (and to be distinguished from the Diplomatic Corps), is as follows, the Secretary of State being excluded:—

No. and Grade of Officers.	Scale of Pay per Annum
28 Junior Clerks	200—20—500
10 Assistant Clerks	700—25—800
7 Senior Clerks	900—50—1,000
1 Chief Clerk	1,000—50—1,200
1 Controller of Commercial and Consular Affairs	1,200
3 Assistant Under Secretaries of State—	
One at	1,500
One at	1,200
One at	1,000—50—1,200
1 Permanent Under Secretary of State	2,500

This gradation is slightly more expensive than that proposed by the Ridley Commission, which for officers of the standing of Assistant Clerks recommended the scale of 600*l.*—25*l.*—800*l.*, and for officers of the standing of Senior Clerks proposed the scale of 850*l.*—50*l.*—1,000*l.* We take no exception to the higher scale, but we recommend that, as it is desirable that a Senior Clerk appointed to be Assistant Under Secretary should receive an immediate increase of salary, the minimum pay attached to the post of Assistant Under Secretary should be fixed at 1,200*l.*

3. We think it is desirable that the Chief Clerk and the Controller of Commercial and Consular Affairs should have the *status* of Assistant Under Secretaries. Neither of these officers is under the direction of an Assistant Under Secretary at present ; both take orders when necessary from the Permanent Under Secretary ; and their nominal *status* in the office should, we think, correspond to their real position and responsibilities.

We think that the Chief Clerk should have under him an assistant taken from, or promoted into, the Diplomatic Establishment of the office. The financial business of the Foreign Office (which is the special function of the Chief Clerk) requires experience and expert knowledge for its efficient conduct, and in case of the withdrawal from duty for any lengthened period of the Head of the Department or his retirement from the Service, there is no one in the Department who in existing circumstances can replace him with the requisite authority, and the necessary experience of the office as a whole.

4. The functions of the Controller of Commercial and Consular Affairs are not political, but the staff working under him forms part of the Diplomatic Establishment. We admit that experience of Commercial and Consular affairs is beneficial to the Diplomatic Establishment of the Foreign Office ; but the exclusive employment of diplomatic officers in this branch is not demanded by the character of the work. We are convinced that this branch of the Foreign Office would be strengthened, while the position of the Consular Service would be greatly improved, by employing in it one or more experienced officers of the Consular Service. The Office would thereby acquire a more intimate acquaintance with the working, the needs and the feelings of the Consular Service. We shall return to this point when dealing with the question of Consular Inspection.

5. In paragraph 8 of the preceding chapter we have recommended that in place of the Second Division and the Boy

Clerks, the Senior and Junior Clerical classes recommended in our Fourth Report should be introduced into this Office. We repeat our recommendation here, but leave it the Foreign Office and the Treasury to determine the proportions in which the two divisions should be employed.

6. Outside the Chief Clerk's Department the discussion of even unimportant questions connected with the business of the Foreign Office is almost entirely conducted by the Diplomatic Establishment, the subordinate staff being allowed practically no part in such discussion. Whatever may have been the reason for this exclusion in the past, we think that, with such a service as the Senior Clerical class should be, it ought not to be continued.

We anticipate that members of the Senior Clerical class will prove themselves to be a superior subordinate agency, and we see no reason why they should not be employed in the less important work of the correspondence branches throughout the office, thereby affording to the Diplomatic Establishment relief from the mere routine work which it now discharges, and possibly, on occasions, supplying ideas worth their consideration. We recognize that promotion in the Foreign Office from the clerical classes to the Diplomatic Establishment must be very exceptional; but the hope of it cannot be wholly excluded, and for this, among other reasons, opportunities should be given to the Senior Clerical Officers to prove their individual worth. We think it not improbable that some of them who have shown marked capacity in the Consular and Commercial Department may justify their selection for admission to the Consular Service. We indicate below the manner in which the difficulty, connected with the language and other qualifications required, might be overcome.

7. The only women employed by the Foreign Office are typists, of whom there is an organized staff. To the recruitment of this staff and its organization the principles set forth in Chapter X (ix) of our Fourth Report should, we think, be applied. If, in view of the confidential character of much of their work, it is held to be undesirable to offer these posts for open competition, typists of approved trustworthiness and efficiency might, after communication with the Foreign Office, be transferred to that Department by the Special Section of the Treasury, or regulations for "limited" competitions might be framed subject to the approval of the Secretary of State.

8. In concluding this portion of our remarks we desire to express our opinion that the organization of the Foreign Office equally with that of other Departments of State should be subject to the general supervision of the Treasury acting through the Special Section referred to in Chapter IX., paragraph 101 of our Fourth Report.

(ii) *The Diplomatic Corps and the Conditions of its Employment.*

9. From the documents and evidence submitted to us we observe that there are nine Embassies, thirteen Missions of the 1st Class, seventeen Missions of the 2nd Class, and two Ministers Resident. To one Embassy (Paris) a salary of 11,500*l.* per annum, and to another (Washington) a salary of 10,000*l.* per annum is attached. To four Embassies a salary of 8,000*l.* per annum each is allotted, and to three Embassies salaries of 7,000*l.*, 5,500*l.*, and 5,000*l.* are given. The 1st-class Missions have salaries attached varying from 2,400*l.* to 4,500*l.* per annum, and in the case of the 2nd-class Missions the salaries attached vary from 1,300*l.* to 2,500*l.*; this excludes Egypt, a 2nd-class Mission—where the Agent and Consul-General draws (or drew) a personal salary of 7,600*l.* per annum. The Ministers Resident draw salaries of 1,150*l.* and 1,500*l.* respectively.

10. The salaries of Ambassadors and Heads of Missions are intended to cover not only their personal remuneration but also the "*frais de représentation*," or the obligatory expenditure which their position imposes on them. We understand that it is the practice of several foreign countries to differentiate between actual salary or remuneration and the "*frais de représentation*"; and the adoption in our service of a distinction of this kind was recommended in the draft report of the Committee of 1861. The distinction, if adopted, would remove a hardship under which the higher diplomatic officers are placed at present. So long as the expenses of entertaining are included in his salary the officer is liable to income tax (though not to super-tax) in respect of the whole of his emoluments, but if the distinction be made, income tax will be payable only on that portion of the emoluments which is defined as salary.

We recommend that the distinction be made, and that Ambassadors be divided into two, and Ministers into three grades, the salaries of each of which should be fixed by the Foreign Office after communication with the Treasury, in con-

sideration of the importance of the duties attaching to the respective grades.

To these salaries would be added the *frais de représentation*, the amount of which, starting from the basis of the existing facts, would presumably be determined by His Majesty's Government from time to time on a liberal consideration of the demands of hospitality on the Ambassador or the Minister, and the expensiveness of living at the seat of the Government to which he was accredited.

11. Passing on to the lower grade of the Diplomatic Corps, we find the following state of things :—

No. and Grade.			Scale of Pay.
Permanent Attachés ...	...	...	Nil for two years.
24 Third Secretaries ...	...	...	150 <i>l.</i> per annum.
21 Second and First Secretaries	...	...	300 <i>l.</i> —20 <i>l.</i> —500 <i>l.</i>
13 Counsellors...	...	...	500 <i>l.</i> —1,000 <i>l.</i>

The lowest grade, that of attaché, is unpaid, service in it lasting for two years. To the next higher grade, that of third secretary, in which service lasts for about five years, a yearly salary of 150*l.* is attached. The next grade is that of second secretary, to which a salary of 300*l.*, rising to 500*l.* by annual increments of 20*l.*, is allotted. The second secretary becomes First Secretary before reaching the maximum pay of his grade, when (or it may be at an earlier date if promotion is rapid) he may be selected for the important office of Counsellor, the pay of which (varying with the particular post) ranges from 500*l.* to 1,000*l.* per annum. At the present time no Counsellor draws less than 700*l.*

12. The obvious criticism on this statement of facts is that, as the attaché gets no pay at all for his first two years of service, and only the wholly inadequate pay of 150*l.* per annum for probably the ensuing four or five years, the Diplomatic Service is effectually closed to all His Majesty's subjects, be they never so well qualified for it, who are not possessed of private means. The official conditions of entry into this Service fix the amount of the private means required at a minimum of 400*l.* a year.

The effect is to limit candidature to a narrow circle of society. We have been furnished by the Civil Service Commissioners with the educational antecedents of the successful competitors

for attachéships in the years 1908-13 inclusive (i.e. since the introduction of the Board of Selection in 1907). No fewer than 25 out of 37 (about 67 per cent.) came from Eton, while all but a very small fraction had been educated at one or other of the more expensive public schools.¹ In only one case was any University other than Oxford or Cambridge represented. No further evidence is required to show the limiting effect of the present regulations upon the class of candidates from which the Diplomatic Corps is recruited.

13. With a view to widening the area of selection for that Service, as well as on more general grounds, we recommend that in future the salaries and allowances in the Diplomatic Service should be so adjusted as to make it possible for a member of that Service to live upon his official emoluments. This is merely a repetition of the recommendation made by the Ridley Commission twenty-four years ago. "It does not appear to us desirable," they said, "to employ young men in the regular Government Service for two years without salary, or to make a property qualification a condition of entrance." We agree with the Ridley Commission, and desire to express our surprise that the existing arrangements should have been tolerated so long.

The adjustment will consist in assigning to each grade of the Diplomatic Corps sufficient remuneration, and will have the great additional benefit of bringing the Diplomatic Service and the Foreign Office into that close relationship which in the public interests should exist between them.

14. The importance of transferability between the staff of the Foreign Office and the Diplomatic Corps has been long recognized by the Foreign Office. It was insisted on by the Select Committees of 1861 and 1871, and going beyond their predecessors, the Ridley Commission reported in favour of an amalgamated Foreign Service, submitting, at the same time, a detailed scheme of amalgamation. This scheme was not adopted; but we are satisfied that the time has now come for amalgamation up to and including the grades of Assistant Under Secretary in the Foreign Office and Minister of the 3rd Grade (*see para. 10 above*) in the Diplomatic Corps. The Secretary of State would in that case be free at any time to

¹ If the unsuccessful candidates during this period are included, the proportion of candidates from Eton becomes 44 out of 86, or about 51 per cent., and of the remainder a large majority still are found to have been educated at the better-known public schools.

select any officer of the amalgamated grades for service in the Foreign Office or abroad, without creating any right on the part of the officer to serve either abroad or at home or partly in the one sphere and partly in the other. But we think that all officers should normally have some experience, especially in their earlier years, both of departmental and of diplomatic work. The adoption of this principle would have the further advantage of promoting a united *esprit de corps* throughout the several branches of the service.

So long as the pay and prospects in the two Services are kept so widely separate as they are at present, transfers from the one to the other cannot be made on any definite principle or without risk of hardship to individuals. The result has been that in the past as a rule only voluntary exchanges have been made. The members of the two Services arrange between themselves the details of the exchange, which, if approved by the Secretary of State, are carried out on the basis that each takes into the new Service the pay of his substantive employment in the old Service, and ranks (subject to certain limitations) according to the date of his entry into his old Service.

Candidates for the Foreign Service (as we, following the suggestion of the Ridley Commission, think that the amalgamated service might suitably be designated) should be recruited in the manner described in the preceding chapter, and their names entered on one list in the order of their seniority. Upon appointment they should be drafted forthwith (if circumstances permit, or if not at the earliest opportunity) for service in the Foreign Office at home, during which period (in the words of the Report of the Ridley Commission) "care should be taken that they have the opportunity of training in commercial as well as diplomatic business." After that period service would be rendered either at home or abroad, as the Secretary of State might from time to time decide.

15. Throughout all ranks the salaries should be graded upon a basis of definite correlation between the two branches of the Service.

Our suggestions as to correlation are these : First, the property qualification for admission to the Diplomatic Corps should be abolished ; secondly, the grade of attaché should be abolished, the grade of third secretary absorbing it, with the same pay as that allotted to the grade of junior clerk in the Foreign Office, viz. 200*l.* a year, rising by annual increments of 20*l.* to 500*l.*

Thirdly, the salaries should be fixed in accordance with the following Table :—

At Home.	Abroad.	Scale of Substantive Pay.
Junior Clerk	3rd and 2nd Secretary	200— 20 —500
Assistant Clerk	1st Secretary ...	700—25—800
Senior Clerk	Counsellor ...	900—50—1,000
Assistant Under Secretary of State	Minister	Salary to be fixed as recommended above in paragraph 10 of this Chapter with a minimum of 1,200 <i>l.</i>

16. Our evidence shows that the principal sources of expense in the Diplomatic Service are the standard of living required; the cost of residence in foreign capitals; and the expenditure involved, especially in the case of married men, in the constant transfers to which diplomatists are liable.

We are satisfied that social duties play an important part in a diplomatist's daily work, and that his efficiency is impaired, unless he is in a position to live on terms of equality with his colleagues in the service of foreign Powers, and to enter the society in which he can meet them and the leaders of public opinion in the countries to which he is accredited. We are also satisfied that residence in foreign capitals usually involves larger expenditure in rent than residence in London; and convincing evidence has been submitted to us that the cost of transfers (essential in the public interest) far exceeds the allowances now given by the State to meet them.

17. With regard to the first of these items we regard as an integral part of our general scheme of reorganization the provision of allowances to compensate men serving abroad for the extra cost of living which, admittedly, life abroad imposes on them. If it be true, as we are assured by the evidence on this point, that it costs an attaché in the Diplomatic Service from 400*l.* to 500*l.* to live on the Continent, it would seem that he should receive at the outset, in addition to his salary, a Foreign Allowance which may in certain cases amount to 300*l.* a year,

the allowance varying with the expensiveness of living in the country to which he is accredited.

The Foreign Allowances to be assigned to other grades would be settled by the Foreign Office in communication with the Treasury, regard being had to the local conditions of each post. In certain capitals the expenses of living, whether due to the actual price of commodities or to the scale of expenditure in vogue, are extraordinarily high, and in those cases we consider that a reasonable allowance should be provided in addition for members of the Diplomatic Corps, to enable them to live in accordance with the standard that is conventionally required.

Those who would maintain unaltered the existing conditions of the Diplomatic Service and its method of recruitment object to the grant of such an allowance on the grounds that it would be difficult to adjust it to the cost of living in different foreign capitals; that it would come to be regarded as a portion of salary upon which men would count in framing their scheme of domestic expenditure; and that its withdrawal or transfer to the Home Service would tend to discourage and impede such transfers. We cannot regard these as substantial objections. The system of "local allowances" to compensate for the dearness of living in particular places has been for many years in full and successful operation in more than one department of the Public Service, and though the principle on which these allowances are given differs somewhat from the principle to be invoked in the case of the proposed foreign allowances—being based in the former case on the price of commodities and in the latter on the standard of expenditure—still we do not consider the difference to be fundamental, or such as to preclude the preparation of a proper scale. For the rest we confess ourselves unable to see why an allowance made for a particular object should be continued after the object has ceased to exist. There may possibly be some personal and temporary inconvenience; but the Diplomatic Service is not the only walk of life which calls for private adjustments of means to ends.

18. But these foreign allowances need not always, or altogether, be in money. An important factor in the expensiveness of a diplomatist's life is the cost of house accommodation. It has been represented to us that his duties require a diplomatist to live in the neighbourhood of the embassy, usually a highly rented locality, and that this is one of the chief differences between the mode of living of a Foreign Office clerk and of a

member of the Diplomatic Corps. If free quarters were provided for diplomatists the extra cost to them of living abroad would be much reduced.

Excluding Peking, Tokio, Bangkok and Teheran, where accommodation is available for the whole of the staff, quarters for officers below the rank of Counsellor are provided only at eight missions, and in those to a very limited extent.

We are of opinion that this practice of providing free quarters for the Diplomatic Staff should, so far as circumstances permit, be extended, and that in every case a reasonable amount of furniture should be included. But we recognize that in existing circumstances it is impossible to provide official quarters for the whole staff at every embassy or legation. Where free quarters cannot be provided we recommend that a suitable allowance for rent should be granted, for the expenditure of which the officer to whom the grant is made would be accountable to the Foreign Office.

19. Finally we desire to call special attention to the serious drafts (to which we have already referred) made upon the private resources of diplomatists, especially of married officers, by the cost of transfers and removals under orders of Government which occur at frequent intervals and often at short notice. According to the regulations, secretaries and attachés are not employed, as a general rule, for more than two years in the same embassy or legation, and our evidence shows that the practice in this matter corresponds with the regulation. In cases of transfer of this kind officers below the rank of counsellor receive no compensatory allowances to cover the various expenses incidental to this change beyond the payment of their personal travelling expenses, and in the case of first and second secretaries, those of a servant and one third of the expenses of their families. In these circumstances it is not surprising to learn that every transfer imposes upon the officer concerned a pecuniary sacrifice, which varies according to the special conditions of the case, but in the case of married men is always serious. One married officer, who assured us that he lived "in a very quiet way," told us that in his case the average annual cost of transfer over a considerable series of years amounted to 200*l.* or 50 per cent. of his salary.

We therefore recommend that officers on service abroad should be entirely relieved of the necessary expenses due to transfers ordered by authority.

The regulation that secretaries and attachés should not be employed as a general rule for more than two years in the same Embassy or Legation, was first introduced in 1862, and has remained in force to the present day notwithstanding the recommendation of the Select Committee of 1871 "that a longer interval than two years should be generally allowed to elapse between the removals of junior diplomatic servants from one Mission to another." We understand that the purpose of the rule is to ensure, in the first place, that junior officers should acquire as wide an experience as possible and that their interests should not assume too local a character ; and, in the second place, that members of the Service should each take their share of the more disagreeable as well as of the more agreeable posts. In these underlying principles we concur, but we share the opinion of the Committee of 1871 that the intervals are unnecessarily short, and we think that a somewhat longer employment in each capital would tend to promote the efficiency of the officers on service abroad and also to effect an economy in respect of the expenses of removal.

(iii) *Performance of Routine Duties in the Diplomatic Service.*

20. We have already suggested that the routine duties at the Foreign Office now performed by the Diplomatic Establishment should be devolved upon the Senior Clerical Class. Our attention has also been called to the mechanical duties which Secretaries at embassies and missions have at present to perform. Opinions have differed on this matter, some authorities holding that it does junior Diplomatists good to be employed on routine work ; other authorities again maintaining such employment to be a waste of valuable time.

Sir M. de Bunsen, for example, informed us that "in our Diplomatic Service all the routine work is done at most posts by the diplomatic staff. They are often for hours typewriting, deciphering telegrams, and doing work which people of less intellectual standing than theirs could do just as well." And another witness stated that "the principal duty of an attaché from the point of view of the chancery is typewriting."

We agree with Sir M. de Bunsen, and regret that in the Diplomatic Service the devolution of routine work (of which the Foreign Office already, although to too limited an extent, recognizes the advantage) has made but little progress. We are informed that in certain of the missions routine work is already en-

trusted to a class of subordinate officers called Archivists. We recommend that this system should be generally adopted and that the Archivist should be drawn from members of the Senior Clerical Class with Foreign Office experience. With a view to the possibility of such transfers between the Senior Clerical Class at the Foreign Office and the Archivists abroad, as well as for other reasons, the Foreign Office Senior Clerical Clerks might be recruited from among those successful candidates in the Senior Clerical examination who have reached a prescribed standard in foreign languages, and their appointment might be further subjected to such regulations as to nationality, etc., as might be laid down by the Secretary of State.

If our proposals are adopted, the Diplomatic Service will be made more attractive to men of ability and high academic training, while its members will have greater opportunity of studying subjects of value to them in their profession. Charges have been made before us of defects of knowledge or narrowness of outlook in members of the Diplomatic Service, and without admitting the justice of such general criticisms we consider that in many cases there is room for improvement. If our suggestion for the devolution of routine work is accepted, wider opportunities and greater encouragement can be given to junior members of the Diplomatic Corps to examine and report upon the institutions and political conditions of the country in which they are serving and to improve their knowledge of similar questions at home, as well as of such special and important subjects as international law.

The advantages which we claim for our proposals do not stop here. The employment of Senior Clerical Officers in the Chancelleries of Embassies and Legations on work now done by Attachés and Junior Secretaries must lead to a substantial reduction in the Diplomatic Corps and consequently to economy; the training of Secretaries abroad would be more in keeping with the requirements of that work which on transfer to Home Service they would be called upon to perform; lastly, larger opportunities and consequently better prospects of promotion would be open to members of the Senior Clerical Service.

The necessary changes would, we believe, involve a modernization of office methods in some of the embassies and missions.

In order to give effect to the foregoing proposals we recommend that a small Departmental Committee should be appointed to devise arrangements for the better training of junior members

of the Diplomatic Corps, for the reduction of its numbers, for the devolution of routine work to the archivist members of the Chancelleries, and for the improvement of office methods abroad.

COMMERCIAL ATTACHÉS

21. We shall conclude this chapter with some observations on the staff of Commercial Attachés. The existing arrangements date from a Report by the late Sir Eldon Gorst and Sir H. Llewellyn-Smith on the system of Commercial Attachés as existing in 1906. At that time officers of this class were appointed to Paris, Berlin, Vienna, Madrid, and Constantinople, from which centres they were required to direct their investigations into the various countries of Europe according to a scheme of allotment on geographical lines.

The Report summed up the defects of this system in the following passage :—

“The Commercial Attaché, though attached to a Diplomatic Mission, has no regular career or prospect of advancement within the Diplomatic Service. He cannot, of course, be an expert in any particular industry, still less in all, though he may be expected to possess a good general knowledge of trade conditions in the countries where he serves, and to be familiar with their languages. It is, however, equally necessary that he should be well acquainted with industrial developments in his own country, and in touch with the more important branches of British manufacture. He should also be close in touch with the Departments of the Home Government dealing with commercial matters. Long and continuous residence in a foreign country is not, however, favourable to the attainment of these objects. Again, in the Missions which are the headquarters of a Commercial Attaché there is a tendency to devolve on him all the current commercial work. He thus becomes one of the ordinary staff, his absence from headquarters causes inconvenience and is not encouraged, and his visits to commercial and industrial centres within his district, which should be the most instructive part of his duties, grow few and far between.”

With a view to obviating these defects it was recommended that Commercial Attachés in European capitals should have

their headquarters in London, and should divide their time between special investigations abroad and visits to manufacturing districts in the United Kingdom, during the latter of which the results of their foreign investigations might be turned to account in the interests of the British manufacturer and merchant.

At the more distant posts and in countries "where special qualifications other than commercial are the chief requirements, such as Turkey, China, etc.,," it was recommended that they should continue to have their headquarters abroad, but that they should be "relieved so far as possible of the current commercial work at the Embassies and Legations," and should be "required to move about freely within their districts and to pay periodical visits *on duty* to the principal centres of industry in this country and to the Departments charged with commercial matters."

22. We consider that the Commercial Attaché in the Embassy or Legation should hold an advisory position, and that he should not be required to perform any of the ordinary or routine duties of the Mission. We share the view expressed in the Report of Sir Eldon Gorst and Sir H. Llewellyn-Smith, that these officers should keep closely in touch with commercial interests at home, and that for that purpose they should make periodical visits to this country. But we consider that there is much force in criticisms which we have received indicating that, owing to the length and frequency of the Commercial Attaché's visits to Great Britain, the assistance which he can now render to the Chief of his Mission, or to British traders is weakened, and that in some cases the area over which his duties extend is much too wide.

On the whole, it appears to us that these two points of view may be reconciled by applying universally the practice recommended in the more distant countries (Turkey, China, &c.). The Commercial Attachés would still make periodical visits to this country (never to exceed three months in a year), but their headquarters would be at the Foreign Mission, and the bulk of their time would be spent in "moving about freely within their districts" abroad. We are of opinion also that their number should be increased, and that an officer of this description should be employed at every Embassy or Legation in which the importance of the questions dealt with justified the appointment. It might no doubt be found advisable to continue in certain cases the grouping of the smaller countries into one district, but

we regard as thoroughly unsatisfactory the assignment to one officer, as at present, of so large an area as (to take one instance) Germany, Holland, Denmark, Sweden, and Norway. We consider it also a matter for unfavourable comment that no officer of this class is employed in the whole continent of America.

Finally, we consider that the appointments of Commercial Attachés should continue to be made at the discretion of the Secretary of State, but (in accordance with the practice which we have been told exists already) after consultation with the Board of Trade. Appointments, we think, should, as a rule, be made from the Consular Service, the person so appointed being (as at present) graded as a member of the Diplomatic Corps during his tenure of office.

PROMOTION AND TRANSFERS

1. We have given careful attention to the method of deciding promotions in the Foreign Office and the Diplomatic Corps, and we have come to the conclusion that while promotion in all cases must finally rest with the Secretary of State, the previous examination of claims should be confided to a Committee which should report to him. We have been informed that at present informal consultation among the Departmental Heads of the Foreign Office takes place, but we think that the practice in this respect should be regularized. We consider that the principles laid down in paragraphs 4-8 of Chapter VIII. of our Fourth Report should apply to the Foreign Service, and we therefore recommend the formal appointment of a Committee to advise the Secretary of State on questions of promotion to all ranks under the grade of Assistant Under Secretary of State and Minister of the third (or lowest) grade.

2. The constitution of the Committee will necessarily differ according to the branch of the Service under consideration, but we consider that the Permanent Under Secretary of State should preside, and should be assisted by his highest subordinate concerned with the particular branch of the Service under review, by the Principal Private Secretary to the Secretary of State, and in the case of the Diplomatic Branch by a selected high officer in that branch.

3. In the case of Diplomatic Officers transfer from one post to another is hardly less important than promotion. We have dealt with this matter in its financial aspect, and we now desire to recommend that the system of transfers should be placed, so

far as possible, on a basis of definite principle to be embodied in the Service Regulations. The principle we suggest is that diplomatists should have experience of all kinds of posts; that the amenities of a particular post should not be the determining factor in selection; but that ordinarily officers should proceed from one kind of post to another in natural sequence. We think that the regulation of transfers, on which the contentment of the Service greatly depends, should, under the Secretary of State's orders, be confided to the Committee which we have just proposed for the regulation of promotions.

MISCELLANEOUS

Reduction in Existing Charges.

1. The political conditions of Europe, at the time we write, deter us from considering the question of whether the expenditure on the Foreign Service is redundant or the contrary in other respects than those on which we have commented. When peace is again established, the political map of the world may be different from what it was before war broke out. As diplomatic arrangements must follow and be adapted to the political settlement, we have decided to offer no suggestions as to changes in Embassies or Legations, or as to the emoluments attached to them.

But the recommendations which we have made above (which are independent of any results the war is likely to bring about) will increase expenditure, and it is necessary that, if any economies can be effected consistently with the efficiency of the Service, they should be made. It is in this spirit that we call attention to the fact that allowances are assigned to members of the Foreign Service abroad for the performance of duties which appear to us to fall within the scope of what should be their normal functions. Special forms of remuneration are natural enough in an underpaid Service, but if the financial improvements which we have recommended are accepted, the justification for the continuance of such allowances would seem to disappear. We specify below the allowances to which we refer, and the manner of dealing with them which we suggest.

(i) *Allowances for proficiency in International Law.*

2. As we have shown, the origin of the allowance is to be found in the recommendations of the Select Committee of 1871.

In the debates of previous sessions charges had been made of the inadequacy of the knowledge of this subject possessed by members of the Diplomatic Service, and these charges were confirmed by the evidence before the Committee of Sir Robert Morier. Since 1872 it has accordingly been provided that "Third Secretaries who may after examination satisfy the Civil Service Commissioners that they possess a competent knowledge of public law will receive, while serving in that class, an additional allowance of 100*l.* a year." In our opinion a knowledge of the elements of international law is essential for a diplomatic officer, and we do not think its acquisition should remain a matter of individual discretion. We recommend accordingly that the allowances in question should be discontinued, and that in future a certificate by the Civil Service Commissioners as to the officer's proficiency in this subject should be made a necessary qualification for promotion beyond the rank of third Secretary. We do not recommend that international law should be made a compulsory subject in the entrance competition.

We think it very desirable that arrangements should normally be made in consultation with the Civil Service Commissioners whereby young diplomatists should receive instruction from some distinguished teachers of the subject.

(ii) *Allowances to Secretaries for Commercial Work.*

3. The origin of this allowance is to be found in the Report, already referred to, by Sir Eldon Gorst and Sir Hubert Llewellyn-Smith on the system of British Commercial Attachés and Commercial Agents. The Report recommended *inter alia* that "the current commercial business of the Diplomatic Missions, including many of the duties hitherto carried out by the Commercial Attachés, should be placed in charge of a specially selected member of the Diplomatic Staff, designated by the head of the Mission, and receiving a special allowance whilst actually discharging his functions."

In our opinion the training of young diplomatists in the details of the commercial work of their Mission which (as explained in the Report above cited) "must necessarily become one of their chief preoccupations when they rise to the charge of a Mission" is of great importance; but we see no reason why the Secretaries to Missions should be specially rewarded for the performance of duties which strictly appertain to their profession. We consider that the proper method of encouraging junior officers to devote

themselves to these questions is to treat exceptional proficiency in them as a ground for accelerated promotion. "At present," we are informed by Sir Austin Lee, "they [young diplomatists] get their promotion just the same whether they continue their studies or not."

(iii) *Allowances to Officers acting as Chargés d'Affaires.*

4. The existing regulations provide that during the absence on leave of the Head of a Mission an allowance should be made, by deduction from the Minister's salary, to the officer acting as Chargé d'Affaires. The allowance seems to have been intended merely to cover the expenses of entertainment incurred by the Chargé d'Affaires during the absence of his Chief, but it has come to be regarded as a form of emolument, and as such is liable to prove a source of friction between the Chief and his staff.

The separation which we have recommended between the Minister's salary and his allowance for *frais de représentation* would tend to remove this difficulty. During the absence of the Head of the Mission a part of his entertaining allowance would be payable to his second in command, but the amount so assigned should not exceed the sum which the Chargé d'Affaires is expected to expend on official entertainments; and it should be clearly explained to him that it is intended for this purpose and is not to be regarded in any sense as an addition to his personal remuneration.

(iv) *Leave Rules.*

In conclusion we would note that the leave rules applied in the Foreign Service are substantially the same as those provided by the Order in Council of January 10, 1910, for the higher classes of civil servants generally. We think that these rules are sufficiently liberal, and we propose no alteration.

SUMMARY OF RECOMMENDATIONS

THE DIPLOMATIC CORPS AND THE FOREIGN OFFICE

(a) *Recruitment.*

1. The existing property qualification for admission to the Diplomatic Corps (i.e. the possession of a private income of at least 400*l.* a year) should be abolished.

2. The Board of Selection, which interviews applicants for the Diplomatic Establishment of the Foreign Office and for the Diplomatic Corps, and upon whose report nominations to sit at the examination are granted by the Secretary of State, should be reconstructed on a broader basis, and should include a non-official member.

3. The existing requirement that applicants for the Diplomatic Establishment of the Foreign Office and for the Diplomatic Corps should first obtain the permission of the Secretary of State to appear before the Board of Selection should be removed. All applications should be laid directly before the Board of Selection.

4. The entrance examination for the Foreign Service (i.e. the Diplomatic Establishment of the Foreign Office and the Diplomatic Corps) should be the combined examination for the administrative grades of the General Civil Service (Class I.). Certain new groupings of the subjects in that examination and rearrangements of marking should be introduced, but the existing requirement of a high standard of proficiency in French and German should be retained.

5. The principle of transferability, the adoption of which is recommended in paragraph 24 of Chapter VIII. of our Fourth Report, should be applied to the Foreign Office as to other Departments of State.

6. The Senior and Junior Clerical Classes should be gradually introduced into the Foreign Office in place of the Second Division Clerks and the Boy Clerks now employed. The Senior Clerical Clerks should be recruited from among those successful candidates in the Senior Clerical Examination who have reached a prescribed standard in foreign Continental languages, and their appointment should be further subjected to such regulations as to nationality, etc., as may be laid down by the Secretary of State.

(b) *Organization.*

7. In the Foreign Office the Chief Clerk and the Controller of Commercial and Consular Affairs should be given the *status* of Assistant Under Secretaries whose minimum salaries should be fixed at 1,200*l.* per annum. The Assistant to the Chief Clerk should be a member of the Diplomatic Establishment.

8. The subordinate work of (a) the Political and (b) the Commercial and Consular Departments should be regarded

as among the duties upon which the Senior Clerical Class may be employed.

In the latter Department one or more members of the Consular Service should be employed.

9. The Diplomatic Establishment of the Foreign Office and the Diplomatic Corps should be amalgamated (under the name of the Foreign Service) up to and including the grades of Assistant Under Secretary of State and Minister of the Third (or Lowest) Grade, and their names entered on one list in the order of their seniority.

10. The Secretary of State should be free at any time to select any officer of the amalgamated grades for service in the Foreign Office or abroad; but all officers should normally have some experience both of departmental and of diplomatic work.

11. In the Diplomatic Branch a distinction should be drawn in the case of Heads of Missions between salary and *frais de représentation*.

12. Throughout all ranks of the Foreign Service the salaries should be graded upon a basis of definite correlation between the two branches at home and abroad, in accordance with the table set out in Chapter III., para. 15.

13. The salaries and allowances of members of the Foreign Service abroad should be so adjusted as to make it possible for them to live in accordance with the required standard upon their official emoluments.

14. Members of the Foreign Service employed abroad should receive a suitable foreign allowance (in cash or kind, or in both) which may in certain cases amount to 300*l.* a year for a Third Secretary.

15. The allowances to be assigned to higher grades should be settled by the Foreign Office in communication with the Treasury, regard being had to the local conditions of each post.

16. In the case of members of the Foreign Service abroad the necessary expenses due to transfers ordered by authority should be borne by the State. The intervals between such transfers should be somewhat longer than at present.

17. Members of the Senior Clerical Class should be more generally used as Archivists in the Chancelleries of Embassies and Legations, and the devolution of routine work should be more widely practised.

18. A small Departmental Committee should be appointed with a view to providing for the better training of junior members

of the Diplomatic Corps, the reduction of its numbers, the devolution of routine work, and the improvement of office methods abroad.

19. Commercial Attachés should be Advisory officers, and should not be engaged on the ordinary duties of a Mission. Their districts should not be larger than they can travel over effectively ; and they should spend the greater part of their time in travelling through them, and only three months of each year at most in Great Britain. There should be Commercial Attachés for the American Continent.

20. The existing allowance of 100*l.* a year to Third Secretaries for proficiency in International Law should be abolished. In future a certificate by the Civil Service Commissioners of proficiency in this subject should be a necessary qualification for promotion beyond the rank of Third Secretary. Arrangements should normally be made by the Foreign Office in consultation with the Civil Service Commissioners whereby young diplomatists should receive instruction in the subject.

21. The allowance to Secretaries abroad for taking charge of the commercial work of the Mission should be abolished. Opportunities should be given to all members of the Foreign Service, at the outset of their career, for training in commercial business ; and the commercial work of the Mission should be regarded as part of their ordinary duties.

22. The allowance for acting as Chargé d'Affaires should be based upon the *frais de représentation*. It should be expended on this purposes, and should not be regarded as an addition to salary.

(c) *Promotion and Transfers.*

23. Promotion in the Foreign Service, should, except in the case of the highest appointments, be made by the Secretary of State after considering the advice of a Committee created for the purpose. (Chapter IV., para. 1.) Transfers should also be regulated by the same procedure upon definitely prescribed principles.

**RESERVATION BY MR. BECK, MR. CLYNES, MR.
HOLT, MR. GRAHAM WALLAS, AND MRS. DEANE
STREATFEILD**

While agreeing with the Report generally, we desire to express our dissent from the proposal (in Chapter II.) that no candidate

shall be allowed to offer himself, at the Class I. examination, for the Foreign Service, unless he has received, before that examination, a nomination from the Secretary of State, based on a report from the Board of Selection ; and that intending candidates shall be allowed to present themselves before the Board of Selection "at any time after they had reached (say) their nineteenth year of age" (section 17).

We should prefer that the Board of Selection should meet annually after the Class I. examination has taken place, and should then have before it, in the order of their success, those successful candidates who have taken the prescribed subjects and have applied for the Foreign Service.

Under the particular circumstances of the Foreign Service, we do not propose that it should be treated exactly like every other branch of the Civil Service in respect to the assignment of those candidates who come highest in the examination, and whose characters are approved of by the Civil Service Commissioners, at once to the offices of their choice. In a large Government department, including many different kinds of work, it is comparatively easy to give to every official who enters by open competition a position corresponding to his individual ability and interests as they develop. But every officer in the Foreign Service will be called upon during his career to assume some measure of personal responsibility abroad. We agree, therefore, that a suitable Board of Selection should exist, and that it should take such steps as are possible to ascertain before the appointment of any candidate to the Foreign Service that he is fit for that kind of responsibility.

At the same time we think it desirable that the presumption should be in favour of those candidates who offer themselves for the Foreign Service, are successful in the open competition, and pass the scrutiny of the Civil Service Commissioners into their character.

Our reason for this is that we believe it to be extremely important to secure for the Foreign Service not only the widest possible area for the selection of young men of ability, but also a large variety of type in the officers appointed. One of our witnesses told us, "I think your Board of Selection will generally take what we may call, perhaps, one type of man, because he is the type of man who is fit for the international career called diplomacy. All of this type of men, speaking metaphorically, speak the same language ; they have the same habits of thought,

and more or less the same points of view. . . ." This expresses very exactly the danger which we desire to avoid ; and we think that that danger will be more easily avoided if the Board of Selection has before it able young men of twenty-four, who, after educational careers of different kinds followed by success in a great examination, offer themselves as candidates for the Foreign Service, than if, as we believe would normally be the case under the scheme proposed in the Report, nominations are given to schoolboys of eighteen. The boys who, at eighteen, seem most likely to become fit candidates for the Foreign Service will belong to a more uniform social type than the young men who, five or six years later, may have made themselves fit for that service.

Our scheme would, we believe, have the further practical advantage of both economizing the time of the Board of Selection, and making its scrutiny more effective. If boys are to be annually selected for an examination to be held a good many years later, a large number of them must be seen, and a considerable number of them (both to allow for wastage and to provide a sufficient competition) must be nominated. But the candidates for the Foreign Service would under our scheme have already passed through an extremely severe competition, and would be sufficiently few in number to make a fairly thorough scrutiny of their personal qualities not impossible. The fact that after such a scrutiny a particular candidate was not selected for the Foreign Service would then be no bar to his entering on a successful career in some other Department of State.

A. CECIL BECK
J. R. CLYNES
RICHARD D. HOLT
GRAHAM WALLAS
LUCY A. E. DEANE STREATFEILD

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